

## Mobile Black Spot Program Draft Round 5A Guidelines

|  |  |
|--|--|
| <b>Opening date:</b>                   | ## #### 2020   |
| <b>Closing date and time:</b>          | 5:00pm AEST on ## #### #### [12 weeks after opening]   |
| <b>Commonwealth policy entity:</b>     | Department of Infrastructure, Transport, Regional Development and Communications   |
| <b>Enquiries:</b>                      | If you have any questions, please email <a href="mailto:MBSPRound5@communications.gov.au">MBSPRound5@communications.gov.au</a> .<br>Questions should be sent no later than ## #### ####. |
| <b>Date draft guidelines released:</b> | ## #### 2020   |
| <b>Type of Grant Opportunity:</b>      | Targeted competitive   |

## Contents

|   |           |
|---|-----------|
| <b>1. Mobile Black Spot Program: Round 5A processes</b>   | <b>4</b>  |
| 1.1 Introduction  | 7         |
| <b>2. About the Program</b>                               | <b>7</b>  |
| 2.1 About the Program                                     | 7         |
| 2.2 About Round 5A  | 8         |
| <b>3. Grant amount and grant period</b>                   | <b>8</b>  |
| 3.1 Grants available                                      | 8         |
| 3.2 Applicant co-contribution                             | 9         |
| 3.3 Third Party funding co-contributions                  | 9         |
| 3.4 In-kind co-contributions                              | 9         |
| 3.5 Grant period  | 10        |
| <b>4. Eligibility Criteria</b>                            | <b>10</b> |
| 4.1 Who is eligible to apply for a grant?                 | 10        |
| 4.2 Minimum requirements                                  | 11        |
| <b>5. What the grant money can be used for</b>            | <b>15</b> |
| 5.1 Eligible grant activities                             | 15        |
| 5.2 Eligible expenditure                                  | 17        |
| 5.3 What the grant money cannot be used for               | 17        |
| <b>6. The Assessment Criteria</b>                         | <b>18</b> |
| 6.1 Assessment Criteria for Mobile Coverage Solutions     | 18        |
| 6.2 Assessment Criteria for Trial Solutions               | 20        |
| <b>7. How to apply</b>                                    | <b>21</b> |
| 7.1 Timing of Grant Opportunity processes                 | 21        |
| 7.2 Applicant registration                                | 24        |
| 7.3 Pre-application lodgement                             | 24        |
| 7.4 Completing and lodging an application                 | 24        |
| 7.5 Closing date for funding applications                 | 26        |
| 7.6 Late applications                                     | 26        |
| 7.7 Further information about the application             | 26        |
| 7.8 Questions during the application process              | 27        |
| 7.9 Errors identified in applications                     | 27        |
| <b>8. The grant selection process</b>                     | <b>27</b> |
| 8.1 Application completeness check                        | 27        |
| 8.2 Risk assessment                                       | 27        |
| 8.3 Evaluation and assessment                             | 27        |
| 8.4 Value for Money                                       | 28        |
| 8.5 Merit Lists   | 29        |
| <b>9. Assessment and evaluation of grant applications</b> | <b>30</b> |

|            |   |           |
|------------|---|-----------|
| 9.1        | Who will assess and evaluate applications?.....                                   | 30        |
| 9.2        | Who will approve grants? .....  | 30        |
| <b>10.</b> | <b>Notification of application outcomes.....</b>                                  | <b>30</b> |
| 10.1       | Application outcomes.....   | 30        |
| 10.2       | Feedback on the application .....   | 30        |
| <b>11.</b> | <b>Successful grant applications .....</b>  | <b>30</b> |
| 11.1       | The grant agreement .....   | 30        |
| 11.2       | Termination, variation or amendment .....   | 31        |
| <b>12.</b> | <b>Announcement of grants .....</b>   | <b>31</b> |
| <b>13.</b> | <b>Delivery of grant activities .....</b>   | <b>31</b> |
| 13.1       | The Grantee's responsibilities .....  | 31        |
| 13.2       | The Department's responsibilities.....  | 32        |
| 13.3       | Grant payments and GST .....  | 32        |
| 13.4       | Evaluation .....  | 32        |
| <b>14.</b> | <b>Process Terms .....</b>  | <b>32</b> |
| 14.1       | Accountability and probity.....   | 32        |
| 14.2       | Complaints process .....  | 32        |
| 14.3       | Conflicts of interest .....   | 33        |
| 14.4       | Costs .....   | 33        |
| 14.5       | Background checks.....  | 33        |
| 14.6       | Confidentiality .....   | 34        |
| 14.7       | Intellectual Property rights .....  | 35        |
| 14.8       | Privacy of individuals .....  | 35        |
| 14.9       | Personal information to be collected by the Department.....                       | 35        |
| 14.10      | Purpose for which the Department will use and disclose personal information ..... | 35        |
| 14.11      | The Department's contact point for privacy matters .....                          | 36        |
| 14.12      | Exclusion of liabilities.....   | 36        |
| 14.13      | Disclaimer .....  | 36        |
| 14.14      | Fraud prevention.....   | 37        |
| 14.15      | Freedom of Information.....   | 37        |
| <b>15.</b> | <b>Consultation .....</b>   | <b>37</b> |
| <b>16.</b> | <b>Glossary.....</b>  | <b>38</b> |

# 1. Mobile Black Spot Program: Round 5A processes

## **The Program is designed to achieve Australian Government objectives**

This Grant Opportunity is part of the Mobile Black Spot Program (the Program), which contributes to the Department of Infrastructure, Transport, Regional Development and Communications' (the Department's) Portfolio Budget Statement Outcome 5. The Department worked with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#).



## **Release of Guidelines and call for applications**

Timing: ## ### 2020

At the same time as releasing these Mobile Black Spot Program Round 5A Guidelines (Guidelines) on [GrantConnect](#), the Government will issue a call for applications from eligible applicants for funding under Round 5A of the Program. For applicant eligibility see section 4.1.



## **Applicant registration**

Timing: Registration due by ## ### #### (4 weeks after opening)

Organisations wishing to apply for funding under Round 5A must contact the Department to register as potential applicants within two weeks following release of these Guidelines in order to obtain access to the application documentation. Eligible organisations who registered under previous rounds and who are interested in participating in this round are still required to register for Round 5A (previous registrations will not be valid for the purposes of this round).

Organisations can register their interest with the Department by emailing [MBSRound5@communications.gov.au](mailto:MBSRound5@communications.gov.au) and providing the following information:

- (a) Organisation name;
- (b) Contact name;
- (c) Contact phone number; and
- (d) Contact email address.



## **Pre-application documentation**

Timing: Pre-application documentation due by ## ### #### (8 weeks after opening)

The application documentation outlines the requirements on potential applicants prior to submitting an application for funding.

Each applicant must submit their publicly available coverage maps (incorporating, where relevant, all base stations funded under previous rounds of the Program, and any base station funded under a State or Territory program, regardless of the stage of construction) ahead of submitting their application for funding.



## **Preparing and submitting applications**

Timing: Applications due by ## ### #### (12 weeks after opening)

Each applicant must complete the documentation relevant to the solution type.

All applicants applying for funding for Mobile Coverage Solutions, as set out in section 2.2.3, must complete the Application Pack including the Assessment Tool for each Mobile Coverage Solution for which it is seeking funding, specifying in each case the information set out in section 7.4.2.

The completed Assessment Tool must include data on the level of New Handheld Coverage that each Mobile Coverage Solution will achieve in terms of area. For Macrocell and Small Cell solutions, mapping data must indicate the area to be covered by New Handheld Coverage meeting the required service standards set out at section 4.2.

All applicants applying for funding for Trial Solutions, as set out in section 2.2.3, must complete the Trials Application Form (within the Application Pack), providing a detailed description of the Proposed Solution and evidence that the Proposed Solution satisfies the Eligibility Criteria outlined in section 5.1.6.



### **Assessment of applications**

Timing: ## ### ##### — ## ### ##### (8 weeks)

The Department will assess all eligible applications received by the closing date and time (see section 7.5) to determine which Proposed Solutions are to be recommended for Program funding using the Assessment Criteria in section 6 and the processes outlined in section 8.

An expert engineering firm in the mobile telecommunications industry, as appointed by the Department, will test coverage claims.

The Proposed Solutions recommended for funding through the assessment process will be included on the Merit Lists provided to the Decision Maker (see section 8.5).



### **Negotiation of Grant Agreements**

Timing: ### — ### #####

Where an applicant requests an amendment to the draft Grant Agreement which is not acceptable to the Commonwealth, the Department will seek to negotiate with the applicant in parallel with the assessment of applications period (see stage 5 in section 7.1).



### **Grantees advised of outcomes and funding arrangements finalised**

Timing: ### #####

The Decision Maker decides which Proposed Solutions are funded and are included in the Decision Maker's List.

The Department will notify each applicant of the Proposed Solutions in their application which are included in the Decision Maker's List. Extracts of the Decision Maker's List may also be provided to other relevant stakeholders.

The Grantee's participation in the Program is subject to an agreement on terms, and becomes effective from the date of execution of the Grant Agreement by the Commonwealth. Shortly after execution of the Grant Agreement, the Grantee's details and amount of funding awarded will be made available on GrantConnect in accordance with the Commonwealth's grant reporting requirements.

Where a Proposed Solution includes a financial co-contribution from a State or Territory government, the Grantee must finalise the commercial agreement governing the terms and conditions of the State/Territory's financial contribution directly with the relevant jurisdiction.



### **Grantees and locations announced**

Timing: ### #####

The locations of Funded Solutions and Grantees are expected to be announced by the Government in ### ####. The outcomes of this process and grant outcomes will be published on GrantConnect.



**Co-location negotiations**

Timing: from ### ####

Grantees will notify other MNOs of the opportunity to co-locate on Funded Solutions, and to participate in the detailed design phase using the process set out in sections 4.2.11 to 4.2.16.



**Date of Rollout Completion**

Timing: 30 June 2022

Grantees will be expected to complete the rollout of all Funded Solutions by 30 June 2022 (Date of Rollout Completion). The Date of Rollout Completion will be agreed in the Grant Agreement.

DRAFT

## 1.1 Introduction

1.1.1 These Guidelines contain information for Round 5A of the Program, and include relevant information concerning:

- who is eligible to apply for funding;
- how to apply for funding; and
- how the funding will be allocated under Round 5A of the Program.

The applicant must read and understand these Guidelines before filling out an application.

1.1.2 This document sets out:

- the purpose of the Program and Round 5A;
- the Eligibility Criteria and Assessment Criteria;
- how grant applications are considered and selected;
- how Grantees are notified and receive grant payments;
- how Grantees will be monitored and evaluated; and
- responsibilities and expectations in relation to the opportunity.

## 2. About the Program

### 2.1 About the Program

2.1.1 The Australian Government has committed \$380 million to the Program over six funding rounds. Round 5A is a supplementary round taking place between Rounds 5 and 6.

2.1.2 The objectives of the Program are to extend and improve mobile phone coverage and competition in regional and remote Australia, by co-funding new telecommunications infrastructure.

2.1.3 The intended outcomes of the Program are to provide mobile telecommunications users in regional and remote Australia with:

- access to new and improved handheld mobile coverage; and
- greater choice of mobile network.

2.1.4 The Department is responsible for administering the Program on behalf of the Government.

2.1.5 Over the first five rounds of the Program, 1,229 base stations have received funding:

- Round 1: 499 base stations, announced in June 2015.
- Round 2: 266 base stations, announced in December 2016.
- Round 3: 102 base stations, announced March 2018.
- Round 4: 180 base stations, announced March 2019.
- Round 5: 182 base stations, announced April 2020.

2.1.6 This Grant Opportunity will be undertaken according to the [Commonwealth Grants Rules and Guidelines](#) (CGRGs)<sup>1</sup>.

---

<sup>1</sup> <https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf>

## 2.2 About Round 5A

2.2.1 Round 5A will be used to test a range of different program designs to continue to expand and improve mobile coverage in regional and remote Australia.

2.2.2 The fundamental differences between Round 5A and the previous rounds of the Program are:

- Round 5A will not have a requirement for Funded Solutions to provide 3G mobile services, instead moving to 4G as the required service standard;
- To improve the economics of marginal sites and incentivise multi-MNO solutions:
  - The Funding Cap will be removed for individual Mobile Coverage Solutions through which more than one MNO will provide mobile coverage and connectivity;
  - Funding Caps may be pooled for Cluster Mobile Coverage Solutions; and
  - Funding may be sought for the capitalised cost of Backhaul over the Operational Period of Funded Solutions, regardless of Backhaul technology;
- A portion of the available funding, indicatively \$8 million, is available to applications to trial new technology solutions or service delivery models, with the Program's minimum 10-year Operational Period able to be varied for these solutions.

2.2.3 The objectives of Round 5A are two-fold:

- To fund solutions that will provide new and improved mobile coverage (Mobile Coverage Solutions), with priority afforded to:
  - High Priority Natural Disaster Prone Areas; and
  - Designated Major Regional and Remote Transport Corridors.
- To fund projects that trial/pilot new technologies and delivery models (Trial Solutions) that provide proof of concept for new ways to extend and improve mobile coverage and competition in less populated and traditionally higher-cost regional and remote areas.

## 3. Grant amount and grant period

### 3.1 Grants available

3.1.1 \$34.5 million (GST exclusive) will be available for applications under Round 5A. This includes the indicative amount of \$8 million for Trial Solutions. Funding is available from 2020-21 to 2021-22.

3.1.2 The maximum Commonwealth grant amount for each Mobile Coverage Solution that has confirmed involvement of a single MNO at the time of application is \$500,000 (GST exclusive) per site. This amount can be pooled for Cluster Mobile Coverage Solutions (e.g. a solution involving four individual base stations would have a maximum grant amount of \$2 million).

3.1.3 There is no maximum Commonwealth grant amount for Mobile Coverage Solutions with more than one MNO confirmed to provide mobile coverage at the time of application (although the total grant amount must not exceed \$34.5 million (GST exclusive)– see section 3.1.1).

3.1.4 There is no maximum Commonwealth grant amount for Trial Solutions (although the total grant amount must not exceed \$34.5 million (GST exclusive) – see section 3.1.1). Further details on eligibility for these solution types is at section 5.1.6.



## **3.2 Applicant co-contribution**

- 3.2.1 All Grantees will be required to make a substantial financial (cash) co-contribution to the capital costs of building or installing each Funded Solution.
- 3.2.2 Financial co-contributions made by other MNOs that are confirmed to provide mobile coverage through a Proposed Solution at the time of application, but are not an applicant for the purposes of the application, will be considered in the same manner as other third party co-contributions, as specified in section 3.3.

## **3.3 Third Party funding co-contributions**

- 3.3.1 To increase the reach of the Program, applicants are encouraged to seek financial (cash) and in-kind co-contributions from State, Territory or local governments, local communities and/or other third parties. Interested third parties are also encouraged to contact applicants directly in relation to potential co-contributions.
- 3.3.2 During the application period, applicants are strongly encouraged to consult with State, Territory and local governments and local communities regarding the locations for which they intend to build Proposed Solutions. These consultations should include any specific areas identified within the location which would be considered desirable to be covered by the Proposed Solution.
- 3.3.3 Where applicants can confirm the level of co-contributions that State, Territory or local governments or other third-parties propose to make, applicants should include this in their application in respect of the relevant Proposed Solution.
- 3.3.4 On request, the Department will provide State, Territory and Local Government contact details to organisations that have registered as eligible applicants for funding under Round 5A. Applicants are solely responsible for forming relationships and negotiating contributions with any relevant third parties, and for testing and/or verifying any advice received from these parties.
- 3.3.5 For Funded Solutions that include a co-contribution from a State or Territory government the Department expects that Grantees will enter into a Grant Agreement with the Commonwealth and a separate agreement with the respective State or Territory government.
- 3.3.6 State, Territory and local governments may own infrastructure in location areas that could potentially be used for Funded Solutions. These governments may have specific requirements that will need to be reflected in the applications put forward by applicants for each Proposed Solution.
- 3.3.7 For Proposed Solutions that include co-contributions from third parties, a copy of the terms of the third parties' commitment to the applicant is to be attached to the application for funding.
- 3.3.8 In the event that a Funded Solution includes a co-contribution from a third party, the Commonwealth will not be liable for any costs that may arise in relation to that co-contribution. For example, if the third party's funding is not secured following execution of the Grant Agreement between the Commonwealth and the Grantee, the Grantee will cover the third party's funding.

## **3.4 In-kind co-contributions**

- 3.4.1 A third party may wish to provide an incentive for applicants to include a location in their funding applications. Third party incentives may include in-kind co-contributions towards the construction of a Proposed Solution such as the co-contributions outlined in section 3.4.2.

3.4.2 In-kind co-contributions could include:

- assistance with identifying and consulting with the local community on a suitable site;
- securing the necessary planning and site approvals;
- lease arrangements;
- civil works required for access to the site;
- assistance with coordinating power to the site; or
- facilitating access to existing infrastructure.

3.4.3 Third party in-kind co-contributions are the responsibility of the applicant, and can be reflected in a reduction in the amount of funding the applicant seeks for a Proposed Solution.

3.4.4 Applicants are responsible for forming relationships and negotiating contributions with any relevant parties, and for testing and/or verifying any advice received from these parties.

### 3.5 Grant period

3.5.1 All Funded Solutions must be completed by the date specified in the respective Grant Agreement.

3.5.2 Funded Solutions must remain operational, and provide the required services outlined in section 4.2 to the target coverage areas on a commercial basis, for at least 10 years following the date on which the Grantee confirms that the required services are able to be provided from each Funded Solution in accordance with the Grant Agreement.

3.5.3 The minimum 10-year Operational Period specified in section 3.5.2 may not apply to Trial Solutions funded under this Program. Applications for solutions of this type will need to outline the proposed duration of the trial, and explain why a lesser Operational Period is proposed.

3.5.4 The Operational Period for funded Trial Solutions will be specified in the Grant Agreement.

## 4. Eligibility Criteria

### 4.1 Who is eligible to apply for a grant?

4.1.1 To be eligible to apply for funding under Round 5A of the Program, an applicant must be a Mobile Network Operator (MNO) or a Mobile Network Infrastructure Provider (MNIP).

4.1.2 For the purposes of the Program, an MNO means a company, other than a MNIP, that:

- supplies a public mobile telecommunications service within the meaning of the *Telecommunications Act 1997*; and
- holds an apparatus or a spectrum licence (or both) for the supply of public mobile telecommunications services under the *Radiocommunications Act 1992*.

4.1.3 For the purposes of the Program, a MNIP means a company, other than a MNO, that provides communications infrastructure in Australia or overseas, including the installation and operation of infrastructure to be used by one or more MNOs to provide public mobile telecommunications services.

- MNIP applications must be accompanied by written evidence of intent from at least one MNO to enter into a commercially binding commitment to use the infrastructure to deliver mobile services as described at section 4.2 for the Operational Period of the

Proposed Solution. A grant may be awarded to eligible MNIPs on the condition that the MNIP and relevant MNO enter into a binding commercial commitment prior to the finalisation of the Grant Agreement.

- 4.1.4 MNOs and MNIPs may also apply jointly for funding through the Program. Joint applications must be underpinned by commercially binding arrangements or the clear intention to enter into such arrangements should the application be successful. A grant may only be awarded to eligible joint applicants on the condition that the MNIP and relevant MNO enter into a binding commercial commitment prior to the finalisation of the Grant Agreement. The Commonwealth will only enter into a Grant Agreement with one of the joint applicants, being the Lead Applicant.

## 4.2 Minimum requirements

- 4.2.1 Unless indicated otherwise in these Guidelines, this section 4.2 sets out the minimum requirements that Grantees will need to comply with if their application is successful. These requirements will be included as schedules to the Grant Agreements. Under section 8.3, Proposed Solutions that do not meet the minimum requirements may be excluded from further consideration, at the Department's absolute discretion.

### Services required – Mobile Coverage Solutions

- 4.2.2 All funded Mobile Coverage Solutions must deliver New Handheld Coverage to the relevant location, as outlined in section 5.1.
- It is not necessary for all individual base stations included in a Cluster Mobile Coverage Solution to provide New Handheld Coverage if all of the base stations are necessary to meet the objectives of the solution. The Cluster Mobile Coverage Solution will be assessed as a whole as per section 6.
- 4.2.3 The Government's expectation is that funded Mobile Coverage Solutions will enable consumers to perform a range of functions using mobile devices, such as making and receiving phone calls, sending emails and text messages, browsing the internet, accessing online services, downloading files, using mobile apps, and accessing emergency communications services. To meet this expectation:
- all funded Mobile Coverage Solutions will be required to deliver 4G broadband data services and a voice service; and
  - New Handheld Coverage and New External Antenna Coverage modelling for Mobile Coverage Solutions must be based on outdoor Reference Signal Received Power (RSRP) at a 90 per cent confidence level for the cell area, as per the following table:

**Table 1: RSRP Coverage Modelling Requirements**

| Coverage category | Channel bandwidth | Threshold (dBm) |
|-------------------|-------------------|-----------------|
| Handheld          | 5                 | >-100           |
| Handheld          | 10                | >-103           |
| Handheld          | 15                | >-105           |
| Handheld          | 20                | >-106           |
| External Antenna  | 5                 | >-117           |
| External Antenna  | 10                | >-120           |
| External Antenna  | 15                | >-122           |

| Coverage category | Channel bandwidth | Threshold (dBm) |
|-------------------|-------------------|-----------------|
| External Antenna  | 20                | >-123           |

Note: New External Antenna Coverage will be used only as supplementary information to assist the Value for Money consideration (see section 8.4).

- 4.2.4 All funded Mobile Coverage Solutions will be required to deliver mobile services in accordance with the relevant standards specified in the funded MNOs' carrier licence conditions, or under the *Telecommunications Act 1997* or both.
- 4.2.5 All Macrocell Base Stations in Funded Mobile Coverage Solutions must have an auxiliary back-up power supply which provides back-up power for a minimum of 12 hours in the event of the loss of external power to the site.
- 4.2.6 All other Base Stations in funded Mobile Coverage Solutions must have an auxiliary back-up power supply which provides back-up power for a minimum of 3 hours in the event of the loss of external power to the site, unless (to the satisfaction of the Department) it is not feasible to do so.

#### Services Required – Trial Solutions

- 4.2.7 All funded Trial Solutions must deliver innovative solutions to users of mobile services, as outlined in section 5.1.6, using a new technology or delivery model that is not, at the time of application, being commercially used in Australia.
- 4.2.8 All funded Trial Solutions must provide a minimum level of service to consumers that is similar to the level of service available through traditional commercial mobile services, including the ability to perform the range of functions using mobile devices listed in section 4.2.3.
- Applicants are responsible for acquiring any and all necessary approvals or licenses that are required for the operation of a Trial Solution.
- 4.2.9 Following the end of the Operational Period of the Trial Solution, a report is to be submitted to the Department within 60 days. The report must outline the outcomes of the trial, including, but not limited to:
- The effectiveness and efficiency of the service trialled/piloted;
  - The technical benefits, limitations and reliability; and
  - Demonstrated consumer experience with both voice and data services.
- 4.2.10 A version of the report referred to in section 4.2.9 must be provided in a form that may be made public. If necessary, an additional confidential version may also be provided.

#### Co-location and co-build – Mobile Coverage Solutions

- 4.2.11 Mobile Coverage Solutions must offer co-location, or the applicant must provide evidence (as per section 4.2.12) that the Mobile Coverage Solution is technically unable to support an additional MNO.
- 4.2.12 If a Mobile Coverage Solution is unable to support an additional MNO other than those already participating, applicants must provide a detailed explanation of why it is not technically feasible to reconfigure the Mobile Coverage Solution to support an additional MNO at incremental cost to the Co-locating MNO. The Department's technical advisor will review the technical advice from the applicant. If the Department's view is that co-location is technically possible, then the applicant must be prepared to offer co-location at

incremental cost to an MNO seeking to co-locate on the Mobile Coverage Solution, or the Department may remove the Mobile Coverage Solution from the assessment process.

4.2.13 Once an applicant is selected to build a Mobile Coverage Solution, it must give any other MNO(s) not already participating in the solution the opportunity to co-locate and to participate in the detailed design phase for that funded Mobile Coverage Solution using the process set out in this section 4.2.13.

- The incremental cost for a funded Mobile Coverage Solution to support an additional MNO will be provided to the other participating MNOs to allow for greater transparency in co-location negotiations.
- For funded Mobile Coverage Solutions where other MNOs are interested in co-locating, the costs can be shared more broadly and efficiencies achieved if the interested MNOs can participate in the design and build phases, which should ensure that their reasonable specifications are accommodated in the design and construction of the funded Mobile Coverage Solution. This opportunity relates to all the requirements necessary for co-location to efficiently occur, including (but not limited to) the height and robustness of the funded Mobile Coverage Solution, as well as site space for housing equipment and providing access to power and Backhaul.
- The Government is supportive of Grantees offering other MNOs the opportunity to co-invest in funded Mobile Coverage Solutions including (but not limited to) provision of Backhaul.

4.2.14 For the purpose of providing the incremental cost of supporting an additional MNO, a Mobile Coverage Solution must meet the following minimum specifications to be considered capable of supporting two or three MNOs:

- The structure is based on one of the following configurations:

Table 2: Minimum specification configurations for co-location of multiple MNOs

| Configuration 1   | Configuration 2   | Configuration 3   |
|---|---|---|
| 3 x 1 panel antenna on a standalone headframe (Dimensions: 2533mm (h) x 353mm (w) x 209mm (d), Weight 32kg); or equivalent load | 3 x 6 port antenna on a standalone headframe (Dimensions: 2680mm (h) x 300mm (w) x 146mm (d), Weight: 39.5kg) | 3 x 10 port antenna on a standalone headframe (Dimensions: 2688mm (h) x 349mm (w) x 166mm (d), Weight 36.5kg) |
| 3 x Tower Mounted Amplifiers (457mm x 275mm x 208mm, Weight 25kg); or equivalent load   | 6 x RRUs (Dimensions: 400mm (h) x 300mm (w) x 150mm (d), Weight 20kg)   | 6 x RRUs (Dimensions: 400mm (h) x 300mm (w) x 100mm (d), Weight 13.5kg)                                       |
| 6 x feeders + 300mm cable gantry for monopole structure type sites  | 6 x combiners (Dimension: 330mm (h) x 200mm (w) x 130mm (d), Weight 3.2kg)                                    | 2 x 600mm fixed link dishes; or equivalent load   |
| 2 x 600mm fixed link dishes; or equivalent load   | 2 x 600mm transmission dishes; or equivalent load   |   |
|   | Other DC Cables and Junction Boxes  |   |

- There is sufficient mains AC power provision to support the requirements of additional MNO equipment. This section 4.2.14 does not apply to solar powered sites, however, solar powered sites must have sufficient space for the additional MNO/s to install additional solar panels.
  - There is a communications hut of sufficient size (or space available on the site for further huts) to accommodate additional MNO equipment.
  - The Grantee must ensure sufficient space is available to allow any participating MNOs to install auxiliary back-up power supply which provides back-up power in the event of the loss of external power to the site at:
    - up to the Program's minimum 12 hours standard, or
    - where the site has been granted funding for a higher level of auxiliary back-up power supply as an additional resilience measure, up to the equivalent level to those for which they have been funded.
- 4.2.15 MNOs interested in co-locating on, or co-building, a funded Mobile Coverage Solution will be required to express interest prior to the start of the detailed design stage for that funded Mobile Coverage Solution. All parties will be required to negotiate in good faith with each other in relation to the funded Mobile Coverage Solution access and price terms, and enter into commercial arrangements. The capital contribution to be made by the co-locating parties in respect of a funded Mobile Coverage Solution must, at least, equal the incremental cost incurred by reason of provisioning co-location for that funded Mobile Coverage Solution.
- 4.2.16 In accordance with the dispute resolution process outlined at sections 4.2.25 and 4.2.26 of these Guidelines, any disagreements regarding co-location matters will be determined by an independent third party, to be appointed at the MNO's/MNIP's shared cost, and in accordance with the dispute resolution process.
- 4.2.17 Following the process set out in sections 4.2.11 to 4.2.16, if it is ascertained that there is no interest in co-location from another MNO, the Grantee will not be required to design or build the site to allow for co-location.

#### Backhaul access and pricing

- 4.2.18 Where a Grantee selected to build a funded Mobile Coverage Solution reaches an agreement under sections 4.2.11 to 4.2.16 of these Guidelines for an MNO not already participating in the solution (the Co-locating MNO) to co-locate on the funded Mobile Coverage Solution, the Grantee must offer Backhaul to the Co-locating MNO if the Grantee is in a position to do so (see section 4.2.19).
- 4.2.19 The Grantee will be taken to be in a position to offer Backhaul to the Co-locating MNO if the Grantee owns or controls an optical fibre which connects the funded Mobile Coverage Solution to the Grantee's network.
- 4.2.20 For more remote locations where existing fibre or microwave Backhaul (or a combination of both) is not available or readily accessible, satellite Backhaul technology may be utilised to deliver the mobile services. If satellite Backhaul technology is proposed for a Mobile Coverage Solution, the applicant should clearly define the level of service to be provided.
- 4.2.21 The price at which the Grantee offers Backhaul to the Co-locating MNO must be more favourable than the regulated prices set under the ACCC Domestic Transmission Capacity Service Final Access Determination (DTCS FAD). For example, by offering a defined rent-free period or other discounting mechanism.



- 4.2.22 Where a Grantee chooses to provide Backhaul to a funded Mobile Coverage Solution using an optical fibre connection, it must ensure that it provides sufficient Backhaul capacity, transmission and interfacing equipment to meet the Backhaul requirements of any Co-locating MNO on the funded Mobile Coverage Solution.
- 4.2.23 Where a Grantee chooses to provide Backhaul to a funded Mobile Coverage Solution using a microwave connection, the Grantee must provide Backhaul services to a Co-locating MNO over that microwave connection, unless:
- the funded Mobile Coverage Solution is designed and built to allow the Co-locating MNO to install, operate and maintain its own microwave Backhaul equipment on the funded Mobile Coverage Solution; and
  - the Co-locating MNO is permitted to install, operate and maintain its own microwave Backhaul equipment on the funded Mobile Coverage Solution.
- 4.2.24 The terms and pricing of Backhaul services provided by a Grantee to a Co-locating MNO must be negotiated commercially between the Grantee and Co-locating MNO in accordance with the principles set out in sections 4.2.18 to 4.2.24.

#### Dispute resolution

- 4.2.25 Disputes between parties in relation to Co-location and Backhaul for a funded Mobile Coverage Solution will be referred for determination to an independent third party expert, at their own shared cost.
- 4.2.26 The Grantee and Co-locating MNO will be bound by the determination made by the independent third party expert.

## 5. What the grant money can be used for

### 5.1 Eligible grant activities

#### Solution eligibility – Mobile Coverage Solutions

- 5.1.1 To be eligible for funding under the Program, each Mobile Coverage Solution must:
- Deliver New Handheld Coverage from the applicant's network – voice and data (see sections 4.2.2 to 4.2.3) – to areas with no Existing Handheld Coverage; and
  - Not be sited at a location identified on the applicant's 2020-21 to 2022-23 forward build network expansion or upgrade plans; and
  - Provide New Handheld Coverage to areas which are not located within any of the Ineligible Areas, being the Urban Centres and Localities geographical units classified by the Australian Bureau of Statistics in 2016 as 'Major Urban', i.e. with a population of 100,000 or more<sup>2</sup>.
    - The Department will provide map overlays showing Ineligible Areas to eligible applicants upon request.
- 5.1.2 To the extent that the predicted coverage to be provided by a Mobile Coverage Solution overlaps with Existing Handheld Coverage from the mobile network of other MNOs, this

---

<sup>2</sup> Australian Statistical Geography Standard (ASGS): Volume 4 - Significant Urban Areas, Urban Centres and Localities, Section of State, July 2016

overlapping portion of coverage will be weighted in the assessment of applications in accordance with the Assessment Criteria in section 6.

#### Additional solution eligibility – High Priority Natural Disaster Prone Areas

- 5.1.3 Mobile Coverage Solutions that provide New Handheld Coverage to an identified High Priority Natural Disaster Prone Area may be eligible for prioritisation through the assessment process (see section 6). For the purposes of the Program:
- a Natural Disaster is a naturally occurring event that causes great damage to property or loss of life; and
  - a Natural Disaster prone area is a location that an appropriate Emergency Service Organisation, being a local Rural Fire Service (RFS), or other state or territory agency with appropriate expertise, considers to be highly vulnerable to Natural Disasters<sup>3</sup>.
- 5.1.4 To be considered to be in an eligible High Priority Natural Disaster Prone Area, each Mobile Coverage Solution should include written support from a relevant Emergency Service Organisation to endorse that the location meets the criteria set out in section 5.1.3.

#### Additional solution eligibility – Major regional and remote transport corridors

- 5.1.5 Mobile Coverage Solutions that provide New Handheld Coverage to Designated Major Regional and Remote Transport Corridors may be eligible for incentives through assessment (see section 6).
- For the purposes of Round 5A, Designated Major Regional and Remote Transport Corridors are those included in either the Roads of Strategic Importance (RoSI)<sup>4</sup> initiative or the National Land Transport Network (NLTN)<sup>5</sup>. The Department will provide map overlays of these networks on request.

#### Solution eligibility – Trial Solutions

- 5.1.6 To be eligible for funding under the Program, each Trial Solution must use a new technology or delivery model that:
- Has not previously been, and is not currently being, used in Australia to provide commercial mobile services;
  - Supports the Program's objectives, of providing mobile telecommunications users in regional and remote Australia with access to improved handheld mobile coverage and/or greater choice of mobile network, in the longer term by providing proof of concept for an innovative solution with potential to be deployed commercially following the cessation of the trial/pilot;
  - Provides New Handheld Coverage or connectivity in areas which are not located within any of the Ineligible Areas, being the Urban Centres and Localities geographical units classified by the Australian Bureau of Statistics in 2016 as 'Major Urban', i.e. with a

---

<sup>3</sup> This may also include coordination zones, emergency services premises, and evacuation and assembly points for these vulnerable areas.

<sup>4</sup> [https://investment.infrastructure.gov.au/key\\_projects/initiatives/roads\\_strategic\\_importance.aspx](https://investment.infrastructure.gov.au/key_projects/initiatives/roads_strategic_importance.aspx)

<sup>5</sup> [https://investment.infrastructure.gov.au/about/the\\_national\\_land\\_transport\\_network.aspx](https://investment.infrastructure.gov.au/about/the_national_land_transport_network.aspx)



population of 100,000 or more<sup>6</sup>. The Department will provide map overlays showing Ineligible Areas to eligible applicants upon request.

## 5.2 Eligible expenditure

- 5.2.1 Commonwealth funding under Round 5A will be available for the estimated Asset Capital Costs of building or installing funded Mobile Coverage Solutions, or the estimated Asset Capital Costs for a Trial Solution, and the Grantees will be responsible for any actual Asset Capital Costs which exceed estimated costs.

### Additional eligible Backhaul costs

- 5.2.2 For Operational Costs relating to leased optical fibre, microwave, or satellite Backhaul, the capitalised net present value (using a discount rate equivalent to the 10-year Treasury Bond Rate applied at the date of the application) over the minimum Operational Period of a solution may be included in the estimated Asset Capital Cost of building the solution. These capitalised Backhaul costs must be clearly identified separately in the application.

### Additional Resilience Measures – eligible costs

- 5.2.3 It is expected that Mobile Coverage Solutions in High Priority Natural Disaster Prone Areas may require a greater level of resilience than solutions in other areas. The additional costs of these measures can be included in the estimated Asset Capital Costs of the solution (but must be clearly separately identified in the manner required in the Application Pack). This may include:

- increased auxiliary back-up power above the minimum level specified in sections 4.2.5 and 4.2.6;
- redundant Backhaul; or
- other functionality that allows for demonstrated improvements to the reliability of the services to be provided to the community in these priority locations in an emergency situation.

- 5.2.4 In recognition that necessary additional Resilience Measures should not disadvantage a solution in the assessment process, the costs of additional Resilience Measures will be excluded from the assessment process specified from section 6.1.1 to 6.1.5, and instead be considered for funding separately (see section 6.1.7).
- Applications must provide supporting evidence of the benefits of the additional Resilience Measures. If a Mobile Coverage Solution that includes additional Resilience Measures is successful in receiving funding, the Commonwealth will then separately consider whether the additional funding required to support these measures represents Value for Money in accordance with section 8.4, and may choose to fund or not to fund these items at its complete discretion.

## 5.3 What the grant money cannot be used for

- 5.3.1 Applicants must not seek Commonwealth funding for Proposed Solutions where they have already planned to invest commercially. All applicants must certify that any Proposed Solutions for which Commonwealth funds are being sought were not, at any time, part of their 2020-21 to 2022-23 forward-build plans.

---

<sup>6</sup> Australian Statistical Geography Standard (ASGS): Volume 4 - Significant Urban Areas, Urban Centres and Localities, Section of State, July 2016

- 5.3.2 The Department may audit a Grantee's compliance with section 5.3.1.
- 5.3.3 Solutions must be infrastructure projects and cannot consist of Consumer Level Products or Equipment.

## 6. The Assessment Criteria

### 6.1 Assessment Criteria for Mobile Coverage Solutions

6.1.1 Mobile Coverage Solutions will be primarily assessed against the Assessment Formula to derive the cost to the Commonwealth per weighted square kilometre of New Handheld Coverage, and coverage that is new for a participating MNO but overlaps with another MNO's network. Solutions with a lower cost per square kilometre will rank higher than solutions with a high cost per square kilometre.

6.1.2 Mobile Coverage Solutions will be assessed and ranked in the Draft Mobile Coverage Solutions Merit List. Following this, an overarching Value for Money assessment will be undertaken on the Mobile Coverage Solutions, to inform the Mobile Coverage Solutions Merit List that is provided to the Decision Maker to recommend funding (see section 8.5).

6.1.3 The Assessment Formula is:

$$\frac{\text{Cost to the Commonwealth (\$)}}{\text{New Handheld Coverage (km}^2\text{) + (overlapping coverage (km}^2\text{) / 2)}}$$

6.1.4 The Assessment Formula is based on the following components:

- a) **Cost to the Commonwealth (\$)** refers to the Commonwealth portion of the estimated Asset Capital Costs for the Mobile Coverage Solution (see section 5.2.1), including capitalised Backhaul costs, as per section 5.2.2, but excluding any separately identified costs for additional Resilience Measures for solutions in High Priority Natural Disaster Prone Areas, as per section 5.2.3.
- b) **New Handheld Coverage (km<sup>2</sup>)** refers to the size (in square kilometres) of the mobile coverage footprint area which will receive new handheld mobile coverage where there is no Existing Handheld Coverage.
  - Where a Mobile Coverage Solution provides New Handheld Coverage from more than one participating MNO, each participating MNO's New Handheld Coverage will be counted cumulatively, regardless of whether the New Handheld Coverage areas overlap.
  - This is in recognition of the focus on multi-MNO solutions under Round 5A, and to ensure that these solutions are not disadvantaged in the assessment process due to the higher costs that may be incurred for these solutions.
- c) **Overlapping coverage (km<sup>2</sup> / 2)** refers to the size (in square kilometres) of the mobile coverage footprint area which will receive handheld coverage that is new for a participating MNO but overlaps with Existing Handheld Coverage from another MNO, divided by a weighting factor of 2.
  - For each Mobile Coverage Solution with confirmed involvement of a single MNO, overlapping coverage with the MNO's own existing network is not eligible for assessment.

- For each Mobile Coverage Solution with confirmed involvement of two or more MNOs, overlapping coverage that is new for at least one participating MNO is eligible for assessment, but counted only once. Coverage located in an area within the existing network of all participating MNOs will not be eligible for assessment (see Table 3 at section 6.1.6).
- 6.1.5 For all solutions, New Handheld Coverage and overlapping coverage will be measured by comparing the 4G handheld coverage provided by the solution against:
  - existing 3G and 4G handheld coverage (whichever is greater), as per publicly available coverage maps<sup>7</sup>;
  - where not yet on publicly available coverage maps, predicted 3G and 4G handheld coverage for all base stations funded under previous rounds of the Program, including Round 5; and
  - where not yet on publicly available coverage maps, predicted 3G and 4G handheld coverage for any base station funded under a State or Territory program regardless of the stage of construction.
- 6.1.6 The following table provides an example of how coverage will be assessed under Round 5A for a multi-MNO solution:

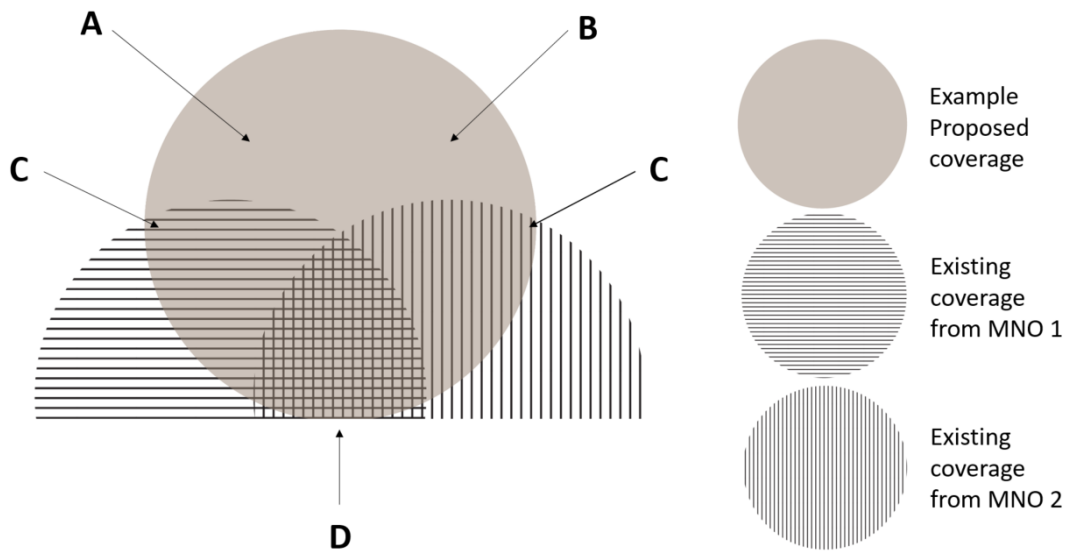
Table 3: Assessment of New Handheld Coverage and overlapping coverage.

|   |
|---|
| <p>A Mobile Coverage Solution has confirmed participation of two MNOs.</p> <ul style="list-style-type: none"> <li>▪ A. The solution provides 20km<sup>2</sup> of New Handheld Coverage from MNO 1, that doesn't overlap with an existing network.</li> <li>▪ B. The solution provides 20km<sup>2</sup> of New Handheld Coverage from MNO 2, that doesn't overlap with an existing network.</li> <li>▪ C. The solution provides 30km<sup>2</sup> of coverage that overlaps with Existing Handheld Coverage, but is new for at least one of the participating MNOs.</li> <li>▪ D. The solution provides 10km<sup>2</sup> of coverage that overlaps with Existing Handheld Coverage in the networks of both participating MNOs (not eligible for assessment).</li> </ul> <p>The assessed coverage for this solution is <math>A+B+(C/2)</math><br/>         Equalling: <math>20\text{km}^2 + 20\text{km}^2 + (30\text{km}^2 / 2) = 55\text{km}^2</math></p> |
|---|

A graphical representation of this example is below:

---

<sup>7</sup> For clarity, where an applicant publishes more than one version of its publicly available handheld coverage maps (for example, indoor and outdoor handheld coverage), New Handheld Coverage and overlapping coverage will be measured against whichever version shows the larger coverage area.



#### Reduction to assessed cost per km<sup>2</sup> for priority funding areas

6.1.7 Mobile Coverage Solutions in areas listed as priority areas in section 2.2.3 will be eligible to receive a 33% reduction to the assessed cost per km<sup>2</sup> for a Proposed Solution.

- For example:
  - A Mobile Coverage Solution is assessed with a cost per km<sup>2</sup> amount of \$20,000/km<sup>2</sup>
  - As the solution is located in a Natural Disaster Prone Area, the assessed cost is reduced by 33%, bringing it to \$13,400/km<sup>2</sup>
- Even if a Mobile Coverage Solution is located in both priority funding areas, it will only be eligible to receive a reduction to the assessed cost once.

## **6.2 Assessment Criteria for Trial Solutions**

6.2.1 The assessment of the Trial Solutions will primarily use a points scoring system to rank each solution out of 100 (see sections 6.2.2 to 6.2.4), with higher scoring solutions considered better than lower scoring solutions.

6.2.2 Trial Solutions will be assessed and ranked in a Draft Trial Solutions Merit List. Following this, an overarching Value for Money assessment will be undertaken on the Trial Solutions, to inform the Trial Solutions Merit List that is provided to the Decision Maker to recommend funding (see section 8.5).

#### Assessment criterion 1 - Merit of the proposed trial (60 points)

6.2.3 The merits of each proposed Trial Solution will be assessed according to the following four factors, with up to a total of 60 points awarded for this criterion (up to 15 points per factor):

- the ability of the trial to test the potential of new technologies and/or delivery models to improve mobile coverage in regional and remote Australia;
- the degree to which the solution could be commercially deployed in Australia;
- the degree to which the solution supports coverage and connectivity outcomes; and

- the extent to which the proposed solution could facilitate retail competition.

#### Assessment criterion 2 – Trial design and delivery (40 points)

6.2.4 The trial design and proposed delivery of each proposed Trial Solution will be assessed according to the four following factors, with up to a total of 40 points awarded for this criterion (up to 10 points per factor):

- the maturity of the proposed solution and technology being adopted, including case studies of where the same or a similar solution has been implemented;
- the ability for the applicant to access, or secure future access to, any necessary infrastructure, power or Backhaul; and how the applicant will maintain the infrastructure and benefits of the project during the Operational Period of the trial;
- the applicant’s (and partners’) track record delivering similar solutions and access to personnel and/or partners with the right skills and experience. This should include evidence of sound project planning to manage and monitor the project covering scope, implementation methodology, timeframes, budget and risk; and
- the applicant’s ability to commence the trial, including availability of key personnel, equipment and finance.

## 7. How to apply

### 7.1 Timing of Grant Opportunity processes

The Program will be implemented in ten key stages. A summary of each stage and indicative timing is provided below.

Table 4: Expected timing for this Grant Opportunity

| Stage | Activity   | Timing      |
|-------|--|-------------|
| 1     | <p><b>Release of Guidelines and call for Applications</b></p> <p>At the same time as releasing these Guidelines, the Government will issue a call for applications from eligible applicants for funding under Round 5A of the Program.</p> | ## ### 2020 |

| Stage | Activity  | Timing  |
|-------|---|---|
| 2     | <p><b>Applicant registration</b></p> <p>Organisations wishing to apply for funding under Round 5A must contact the Department to register as a potential applicant within four weeks following release of these Guidelines in order to obtain access to the application documentation. Eligible organisations who registered under previous rounds and who are interested in participating in this round are required to register for Round 5A (previous registrations will not be valid for the purposes of this round).</p> <p>Organisations can register their interest with the Department by emailing <a href="mailto:MBSPrround5@communications.gov.au">MBSPrround5@communications.gov.au</a> and providing the following information:</p> <ul style="list-style-type: none"> <li>(a) Organisation name;</li> <li>(b) Contact name;</li> <li>(c) Contact phone number; and</li> <li>(d) Contact email address.</li> </ul>   | <p>Registration due by ## ### 2020 (4 weeks after opening)</p>                  |
| 3     | <p><b>Pre-application documentation</b></p> <p>The application documentation outlines the requirements on potential applicants prior to submitting an application for funding.</p> <p>Where applicable, each applicant must submit geospatial data of their publicly available coverage maps (incorporating coverage from, where relevant, base stations funded under previous rounds of the Program, base stations funded under a State or Territory program regardless of the stage of construction and any commercially planned base stations) ahead of submitting their application for funding (refer section 6.1.5).</p>  | <p>Pre-application documentation due by ## ### 2020 (8 weeks after opening)</p> |
| 4     | <p><b>Preparing and submitting applications</b></p> <p>The application documentation describes in detail the Program requirements, and outlines the terms and conditions under which Commonwealth funding is to be made available.</p> <p>Each applicant applying for funding for Mobile Coverage Solutions must complete the Assessment Tool for each solution for which it is seeking funding, specifying in each case the information set out in section 7.4.2.</p> <p>The completed Assessment Tool must include data on the level of coverage that each Proposed Solution will achieve in terms of area. For Macrocell and Small Cell solutions, mapping data must be provided to indicate the area to be covered by handheld coverage meeting the required service standards set out at section 4.2.2 – 4.2.6. The application should also indicate any relevant Value for Money considerations as specified in section 8.4.</p> <p>Applicants may seek all or part of the maximum amount of funding available for Round 5A, being \$34.5 million (GST exclusive).</p> <p>Each applicant applying for funding for Trial Solutions must complete the Trials Application Form for each proposed solution for which it is seeking funding, specifying in each case the information set out in section 7.4.3.</p> | <p>Applications due by ## ### #### (12 weeks after opening)</p>                 |

| Stage | Activity   | Timing  |
|-------|--|---|
| 5     | <p><b>Assessment of applications</b></p> <p>The Department will assess all eligible applications received by the closing date and time to determine which Proposed Solutions are to be recommended for Program funding using the processes outlined in section 6.</p> <p>An expert engineering firm in the mobile telecommunications industry, as appointed by the Department, will test coverage claims.</p> <p>The Mobile Coverage Solutions recommended for funding through the assessment process will be included on the Mobile Coverage Solutions Merit List provided to the Decision Maker.</p> <p>The Trial Solutions recommended for funding through the assessment process will be included on the Trial Solutions Merit List provided to the Decision Maker.</p>  | <p>#### – ####</p> <p>####</p> <p>(8 weeks)</p> |
| 6     | <p><b>Negotiation of Grant Agreements</b></p> <p>Where an applicant requests an amendment to the draft Grant Agreement which is not acceptable to the Commonwealth, the Department will seek to negotiate with the applicant in parallel with the Assessment of Applications period (stage 5).</p>   | <p>#### – ####</p> <p>####</p>                  |
| 7     | <p><b>Grantees advised of outcomes and funding arrangements finalised</b></p> <p>The Department will notify each applicant of the Proposed Solutions included in their application which are included on the Decision Maker's List. Extracts of the Decision Maker's List will also be provided to other relevant stakeholders.</p> <p>The Grantee's participation in the Program becomes effective from the date of execution of the Grant Agreement by the Commonwealth. Shortly after execution of the Grant Agreement, the Grantee's details and amount of funding awarded will be made available on GrantConnect in accordance with the Commonwealth's grant reporting requirements.</p> <p>Where a Proposed Solution includes a financial co-contribution from a State or Territory government, the Grantee must finalise the commercial agreement governing the terms and conditions of the State/Territory's financial contribution directly with the relevant jurisdiction.</p> | <p>#### ####</p>                                |
| 8     | <p><b>Grantees and locations announced</b></p> <p>The locations of Funded Solutions and Grantees are expected to be announced by the Government, and published on GrantConnect.</p>  | <p>#### ####</p>                                |
| 9     | <p><b>Co-location negotiations</b></p> <p>Grantees will notify other MNOs of the opportunity to co-locate on Funded Solutions, and to participate in the detailed design phase using the process set out in sections 4.2.11 to 4.2.16.</p>   | <p>From ####</p> <p>####</p>                    |



| Stage | Activity   | Timing              |
|-------|--|---------------------|
| 10    | <p><b>Date of Rollout Completion</b></p> <p>Grantees will be expected to complete the rollout of all Funded Solutions by <b>30 June 2022</b> (Date of Rollout Completion). The Date of Rollout Completion will be included in the Grant Agreement.</p> | <b>30 June 2022</b> |

## 7.2 Applicant registration

- 7.2.1 Potential applicants must register their interest with the Department and sign a Non-Disclosure Agreement prior to being granted access to the Program documentation for this round.

## 7.3 Pre-application lodgement

- 7.3.1 MNOs who have registered as potential applicants, or are partnering with potential applicants, and intend to submit applications for funding under this round must first submit their existing 3G HSPA+ and 4G coverage information, incorporating the coverage from base stations which were funded under previous rounds of the Program, including Round 5, and any base station funded under a State or Territory program, regardless of the stage of construction (refer section 6.1.5).
- 7.3.2 Existing coverage information required at section 7.3.1 must be submitted to the Department by no later than **5pm (Canberra time), Friday ## ### ####**. The Department may, at its absolute discretion, accept mobile coverage information submitted by MNOs after this date.
- 7.3.3 The existing coverage information required in accordance with section 7.3.1 must be supplied as per the predictive coverage modelling standards which underpin the publicly available coverage maps on the MNOs website.
- 7.3.4 Pre-application information can be submitted by any of the methods outlined at section 7.4.

## 7.4 Completing and lodging an application

- 7.4.1 Applications for funding must be lodged using the Application Pack provided following registration.
- 7.4.2 To seek funding for Mobile Coverage Solutions, applicants must complete the Assessment Tool from the Application Pack to provide information for each proposed Mobile Coverage Solution for which it is seeking funding, specifying in each case:
- the location;
  - the total estimated all-up asset capital cost of construction (GST inclusive), including, if required, Backhaul and power;
  - if applicable, any costs related to additional Resilience Measures (see section 5.2.3);
  - the amount of co-contribution (GST inclusive) being provided by the applicant;
  - the amount of Commonwealth co-contribution sought under the Program – capped at the maximum funding amount per Mobile Coverage Solution as outlined in section 3.1, and noting section 8.4.4;
  - the amount (if any) of co-contributions (GST inclusive) to be received from third parties such as State, Territory or local governments, local communities, or any combination of these, and any specific requirements or conditions tied to the co-contributions (for information purposes);



- the extent to which it meets the Assessment Criteria in section 6.1;
- whether the Mobile Coverage Solution is dependent on the construction of one or more of the applicant's other Mobile Coverage Solutions, and explaining the specific dependencies (for example between individual base stations included in the same Cluster Mobile Coverage Solution);
- predictive coverage mapping data for each Mobile Coverage Solution (as per section 4.2); and
- written support (for High Priority Natural Disaster Prone Areas).

Note: The applicant must agree that any predictive coverage mapping data supplied in the application can be used by the Department to prepare promotional material for the Program.

7.4.3 To seek funding for Trial Solutions, applicants must complete the Trials Application Form in the Application Pack, specifying:

- an overview of the proposed Trial Solution, what it is, how it will be undertaken and why the outcome cannot be satisfied through existing means;
- the benefits that the proposed Trial Solution will bring to the community and to the Program;
- the type of services to be provided, areas to be targeted, type of infrastructure to be built, and any other specific details of the proposed Trial Solution;
- the proposed Operational Period and, if shorter than the minimum 10 year requirement for Mobile Coverage Solutions under section 3.5.2, an explanation of why a lesser period is proposed;
- a full costing of the Proposal, including the all-up asset capital cost of construction (GST inclusive), including, if required, Backhaul and power;
- predicted handheld mobile coverage the solution is expected to provide, and service levels (including, but not limited to, service availability and performance); and
- any other details that the applicant deems necessary to demonstrate how the Proposal meets the Eligibility Criteria.

Note: The applicant must agree that any predictive coverage mapping data supplied in the application can be used by the Department to prepare promotional material for the Program.

7.4.4 In addition, applicants must warrant that none of the Proposed Solutions for which Commonwealth funds have been sought were at any time part of their 2020-21 to 2021-22 forward-build network expansion or upgrade plans.

7.4.5 Subject to section 7.4.4, applicants must indicate their compliance with the draft Grant Agreement (to be provided to registered applicants) at the time of submitting their applications. Where the terms of the draft Grant Agreement are not accepted in full, applicants are required to submit a revision marked version of the draft Grant Agreement reflecting their proposed drafting, their position and their reasons for requesting the change.

7.4.6 Applicants who have previously agreed a funding agreement with the Commonwealth under previous rounds of the Program (Previous Funding Agreement) and wish to use that Previous Funding Agreement as the basis for this round's Grant Agreement must indicate their compliance with the Previous Funding Agreement as amended to reflect the requirements of this round (Updated Previous Funding Agreement) at the time of submitting their applications. Where the terms of the Updated Previous Funding Agreement are not accepted in full, applicants are required to submit a revision marked

version of the Updated Previous Funding Agreement reflecting their proposed drafting, their position and their reasons for requesting the change.

Note: Following registration, the Department will provide relevant applicants with details of the clauses from their Previous Funding Agreement that will need to be amended to reflect the requirements of this round. These requirements will be drawn from the draft Grant Agreement (to be provided to registered applicants). The Previous Funding Agreement together with these requirements will effectively comprise the Updated Previous Funding Agreement which should be used for the applicant's compliance statements and to develop the revision-marked version referenced above. Stage 6 in section 7.1 contains further information about the timing for Grant Agreement negotiations.

7.4.6 Details for contacting the Department to seek clarification or assistance with any aspects of completing an application are at section 7.8 of these Guidelines.

7.4.7 Applications can be lodged using GovTEAMS, the Australian Government's secure online document sharing and project management system. Potential applicants will be provided with information about lodging applications using GovTEAMS upon registering as a potential applicant for Round 5A. Potential applicants may request to use alternative online secure document sharing systems by agreement with the Department. Requests can be made by email to **MBSPRound5@communications.gov.au**, and should be received no later than two weeks prior to the closing of the application period.

7.4.8 All electronic files, regardless of transmission method, should be provided in an appropriate Microsoft compatible format. Geo-spatial information such as maps should be provided in either MapInfo TAB or MID/MIF; ESRI Shape; GML; or KML format.

7.4.9 The Department strongly prefers electronic applications, however may also accept applications via hard copy and/or physical electronic media if there is a reason why electronic submission is not feasible. Applicants wishing to make applications through physical means should contact the Department by email to **MBSPRound5@communications.gov.au**.

7.4.10 The Department will acknowledge receipt of all applications by email to the applicant's nominated contact officer.

## 7.5 Closing date for funding applications

7.5.1 The closing date for submitting an application for funding under this round of the Program is 5.00pm (Canberra time), **## ### ####.**

## 7.6 Late applications

7.6.1 Any decision by the Department on whether or not to accept a late application to the assessment process shall be final.

## 7.7 Further information about the application

7.7.1 At any time during the initial registration, application or post-application, or assessment processes, the Department may:

- contact applicants to check information that may be ambiguous, incorrect or unclear;
- seek either additional information or seek clarification of certain information to assist its assessment of applications; and/or
- seek expert advice to verify claims made.

## 7.8 Questions during the application process

- 7.8.1 All requests for clarification or determination of the meaning of provisions in these Guidelines should be referred to the Department by email at [MBSPRound5@communications.gov.au](mailto:MBSPRound5@communications.gov.au). If an applicant requests clarification of a provision in these Guidelines or a determination on a particular issue, the Department's written decision on the matter is final.
- 7.8.2 Answers to questions may be posted on [GrantConnect](#).

## 7.9 Errors identified in applications

- 7.9.1 If the applicant finds an error in their application after submitting it, they should contact the Department immediately at [MBSPRound5@communications.gov.au](mailto:MBSPRound5@communications.gov.au). The Department may, at its sole discretion, accept additional information from the applicant or a request to correct the error. However, the Department is under no obligation to accept any additional information or a request from the applicant to correct any applications after the Closing Date in section 7.5.

# 8. The grant selection process

## 8.1 Application completeness check

- 8.1.1 Following the closing date for applications, the Department will undertake an initial check to ensure each application is complete, that all necessary supporting documentation has been submitted as part of the application, and that it meets the Eligibility Criteria contained in section 4.

## 8.2 Risk assessment

- 8.2.1 The Department will conduct an overall risk assessment in relation to the suitability of the applicants (and applications) for funding under the Program.

## 8.3 Evaluation and assessment

- 8.3.1 Following confirmation that the applications are complete and the applicants meet the Eligibility Criteria in section 4, the Assessment Criteria in section 6 will be used by the Department (i.e. the Evaluation Committee – see section 9.1) to undertake the initial evaluation of applications received for Round 5A of the Program, including an assessment of whether the minimum requirements set out in section 4.2 of these Guidelines have been satisfied. Proposed Solutions that do not meet the minimum requirements may, at the Department's absolute discretion, be excluded from further consideration.
- 8.3.2 The Department will review each Proposed Solution against the Assessment Criteria, and will rank each Proposed Solution accordingly. Applicants must provide evidence to back up claims made in their applications, including mapping data on coverage claims in a format required by the Department (see section 7.4.8).
- 8.3.3 Following this review process, the Department will prepare two Draft Merit Lists:
- The Draft Mobile Coverage Solutions Merit List – containing the eligible Mobile Coverage Solutions ranked in accordance with the Assessment Criteria in section 6.1; and
  - The Draft Trial Solutions Merit List – containing the eligible Trial Solutions ranked in accordance with the Assessment Criteria in section 6.2.

## 8.4 Value for Money

- 8.4.1 The Department will undertake a Value for Money assessment for each Mobile Coverage Solution and Trial Solution following the creation of the Draft Merit List(s), to finalise the Merit Lists. Recommendations for funding will use the processes, requirements and Assessment Criteria set out in these Guidelines.
- 8.4.2 Based on the overarching Value for Money assessment, the Department reserves the right to recommend funding one or more Proposed Solutions which were lower ranked against the Assessment Criteria than other Proposed Solutions within a Draft Merit List.
- 8.4.3 Based on the Value for Money assessment, the Department also reserves the right to recommend not funding one or more Proposed Solutions which are highly ranked against the Assessment Criteria within the Draft Merit Lists.
- 8.4.4 The Department may, at its absolute discretion, recommend increasing the level of Commonwealth funding for one or more Proposed Solutions above the maximum amount per Proposed Solution as outlined in section 3.1.2, should it be considered of higher Value for Money.

### Value for Money for Mobile Coverage Solutions

- 8.4.5 Factors considered in this assessment include, but are not limited to, the:
- cost to the Commonwealth of the Mobile Coverage Solution;
  - amount of New Handheld Coverage and coverage that is new for a participating MNO but overlaps with another MNO's network (km<sup>2</sup>);
  - the degree in which competition is provided at a single solution, for example from at least two MNOs;
  - the length of major rail and/or road transport routes, not limited to those included in the definition in section 5.1.5, that will receive New Handheld Coverage, or coverage that is new for a participating MNO but overlaps with another MNO's network, from the Proposed Solution;
  - the number of premises that will benefit from New Handheld Coverage, or coverage that is new for a participating MNO but overlaps with another MNO's network; and
  - the amount of new External Antenna Coverage (km<sup>2</sup>).

### Value for Money for Mobile Coverage Solutions in High Priority Natural Disaster Prone Areas

- 8.4.6 Factors considered in this assessment include those outlined in section 8.4.5, as well as the community benefit derived from New Handheld Coverage, or coverage that is new for a participating MNO but overlaps with another MNO's network, provided by the Proposed Solution in an emergency situation.

### Value for Money for Mobile Coverage Solutions in Designated Major Regional and Remote Transport Corridors

- 8.4.7 Factors considered in this assessment include those outlined in section 8.4.5, as well as, but not limited to, the:
- benefit provided to the area along a Designated Major Regional and Remote Transport Corridor as defined in section 5.1.5 (for example, where the New Handheld Coverage, or coverage that is new for a participating MNO but overlaps with another MNO's network, provides benefits to nearby towns, rest stops or other areas of interest); and

- the amount of contiguous handheld coverage provided along a Designated Major Regional and Remote Transport Corridor as defined in section 5.1.5 by an individual MNO, as a result of the New Handheld Coverage, or coverage that is new for a participating MNO but overlaps with another MNO's network, provided by a Mobile Coverage Solution.

#### Value for Money for Trial Solutions

8.4.8 Factors considered in the assessment include, but are not limited to the:

- cost to the Commonwealth of the Trial Solution;
- expected benefits of the project proposal and activities;
- proposed Operational Period of the trial/pilot activity; and
- extent to which the proposal would contribute to the Program objectives specified in section 2.1.2, and the Round 5A objectives specified in section 2.2.3.

#### Value for Money Assessment of additional Resilience Measures

8.4.9 Where Mobile Coverage Solutions include costs related to additional Resilience Measures (as specified in section 5.2.3), the Commonwealth will separately consider whether the additional funding required to support these measures represents Value for Money should the Mobile Coverage Solution be successful in receiving funding. In doing so, relevant considerations include:

- whether the cost of the additional Resilience Measures are in line with industry standards, taking into account differences in cost and performance characteristics of different technology options; and
- whether the additional Resilience Measures address a genuine circumstantial need or priority for the funded Mobile Coverage Solution and/or the area it serves, taking into account the evidentiary support provided by a relevant Emergency Service Organisation.

## **8.5 Merit Lists**

8.5.1 Following the assessment of the applications, the Department will prepare two lists of Proposed Solutions that the Department considers meets the Assessment Criteria in section 6, will provide Value for Money to the Commonwealth in accordance with section 8.4, and which it recommends for funding (the Mobile Coverage Solutions Merit List, and the Trial Solutions Merit List (the Merit Lists)).

8.5.2 In establishing these Merit Lists, the Department will exercise its own judgement, having regard to the objectives of Round 5A as described in section 2.2.3, in determining whether any changes to the Merit Lists are required.

8.5.3 The Department will provide the Merit Lists to the Decision Maker and provide the Decision Maker with details of the assessment of each Proposed Solution against the Assessment Criteria, including the overall Value for Money of each Proposed Solution, and each Proposed Solution's ability to assist in achieving the intended outcomes of the Program as set out in section 2.1.3 and the objectives of Round 5A as described in section 2.2.3.

8.5.4 The Department may recommend to fund, or not fund, additional Resilience Measures (as specified in section 5.2.3) through the Mobile Coverage Solutions Merit List. Assessment of these measures will be undertaken following the creation of the Draft Mobile Coverage Solutions Merit List, as specified in section 8.3.3.

## 9. Assessment and evaluation of grant applications

### 9.1 Who will assess and evaluate applications?

- 9.1.1 An Evaluation Committee will assess and evaluate each application on its merit.
- 9.1.2 External advisors may also be asked to inform the assessment and evaluation process. Any advisor who is not an Australian Public Servant will be treated as the Commonwealth entity's staff in accordance with section 2.9 of Part 1 of the CGRGs.
- 9.1.3 The Evaluation Committee may seek information about the applicant or their application. They may do this from within the Commonwealth, even if the sources are not nominated by the applicant as referees. The Evaluation Committee may also consider information about the applicant or their application that is available through the normal course of business.

### 9.2 Who will approve grants?

- 9.2.1 The Decision Maker will review the recommendations set out in the Merit Lists, and may do one or more of the following:
- approve the recommendations;
  - seek further information from the Department or relevant experts or both; and
  - subject to section 14, make any amendments the Decision Maker deems necessary.
- 9.2.2 The Department will prepare the list of Funded Solutions (Decision Maker's List) based on the requirements and advice from the Decision Maker.
- 9.2.3 The Decision Maker will have the final decision on all applications for funding.

## 10. Notification of application outcomes

### 10.1 Application outcomes

- 10.1.1 The applicant will be advised of the outcomes of their application in writing, following a decision by the Decision Maker. If an applicant is successful, they will also be advised about any specific conditions attached to the grant.

### 10.2 Feedback on the application

- 10.2.1 If an applicant is unsuccessful, they may ask for feedback from the Department within 14 days of being advised of the outcome. The Department will give the applicant written and/or verbal feedback within one month of feedback being requested.

## 11. Successful grant applications

### 11.1 The grant agreement

- 11.1.1 A sample Grant Agreement will be provided to registered applicants.
- 11.1.2 Each Grant Agreement will set out the Grantee's obligations in respect of the roll-out, co-location and service terms for each Funded Solution.
- 11.1.3 For existing participants in the Program, the Commonwealth agrees that the basis for the Grant Agreement could be an executed agreement from a previous round, as described in section 7.4.6.



## 11.2 Termination, variation or amendment

- 11.2.1 The Government reserves the right to terminate or vary Round 5A of the Program (including via variation of these Guidelines) at its discretion, at any time, for any reason, including without limitation, in the light of changes to Government policy.
- 11.2.2 If the Government determines that these Guidelines require amendment prior to the date for which funding applications are due to be submitted to the Department, potential applicants will be advised of the revised or new Guidelines in a timely manner, including any resultant extension that may be applied to the application period. Any amendments and resultant extensions will be published on GrantConnect.
- 11.2.3 If the Government determines that these Guidelines require amendment following the date for which funding applications are due to be submitted to the Department (for example, if the applications received do not achieve the Program objectives), the revised or new Guidelines will clearly identify the extent, if any, to which the amended criteria will be applied to existing applications, and/or whether applicants will have the opportunity to re-submit an application based upon the revised criteria, and/or whether any new applicants will be considered. In this event, existing applicants will be notified in writing and via GrantConnect and the revised Guidelines will be published on GrantConnect.
- 11.2.4 An organisation submitting an application acknowledges that neither these Guidelines, nor any application, give rise to a binding agreement or any other binding legal arrangement or legal relationship between the applicant and the Commonwealth. There is no binding agreement on any party until a Grant Agreement is executed between the Commonwealth and the Grantee.

## 12. Announcement of grants

- 12.1 If successful, the applicant's grant will be listed on the GrantConnect website within 21 calendar days after the date of effect as required by section 5.3 of the CGRGs.

## 13. Delivery of grant activities

### 13.1 The Grantee's responsibilities

- 13.1.1 Grantees must meet the terms and conditions set out in the Grant Agreement.
- 13.1.2 Grantees will need to establish Baseline Data for measuring project and Program progress. This Baseline Data will be provided by the applicant in their application (refer sections 7.3 and 7.4.2), which will subsequently form the basis of project progress reports.
- 13.1.3 Grantees will be required to maintain a publicly available online database for the construction phase of the Program, as specified in the Grant Agreement, which will include information regarding the status and progress of Funded Solutions.
- 13.1.4 Grantees will be required to provide and maintain a Stakeholder Engagement Plan for the rollout of the Program, including relevant details for each Funded Solution. The Plan should cover:
- communication activities with relevant stakeholders including the local community, local councils and State and federal members of parliament; and
  - communication of updates to the community regarding any changes to the rollout of the Funded Solution (e.g. timing, location, expected coverage outcomes).

## 13.2 The Department's responsibilities

13.2.1 The Department will:

- meet the terms and conditions set out in the Grant Agreement;
- provide timely administration of the grant; and
- evaluate the Grantee's performance.

13.2.2 The Department will monitor the progress of the Grantee's project by assessing reports the Grantee submits and may conduct site visits to confirm details of the reports if necessary. Occasionally the Department may need to re-examine claims, seek further information or request an independent audit of claims and payments.

## 13.3 Grant payments and GST

13.3.1 Payments will be made as set out in the Grant Agreement.

## 13.4 Evaluation

13.4.1 The Program will be evaluated by the Department against key performance indicators (KPIs) as agreed with each Grantee. The Department will use the KPIs to monitor, measure and report on progress, outputs, outcomes and benefits of the Program.

13.4.2 Grantees will be required to participate in Program reviews and evaluations.

# 14. Process Terms

## 14.1 Accountability and probity

14.1.1 The Department is committed to ensuring that the process for selecting and approving Funded Solutions under the Program is fair, conducted in accordance with these Guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct, and is consistent with the CGRGs.

14.1.2 The Department, as a non-corporate Commonwealth entity under *the Public Governance, Performance and Accountability Act 2013* (the PGPA Act), in relation to its investment in the Program, must comply with:

- the various duties set out in section 15 of the PGPA Act including: to promote the proper use and management of public resources for which the Department is responsible; promote the achievement of the purposes of the Department; and promote the financial sustainability of the Department;
- section 16 of the PGPA Act which requires the Department to establish and maintain appropriate systems of risk oversight and management and an appropriate system of internal controls;
- the CGRGs, which establish the overarching Commonwealth grant policy framework and articulate the expectations for the Department (including but not limited to a range of probity and reporting requirements).

## 14.2 Complaints process

14.2.1 An applicant wishing to seek a review of the decision relating to its application for the Program should contact the Department by email at [MBSPRound5@communications.gov.au](mailto:MBSPRound5@communications.gov.au) within two weeks of the issue of notification of



the decision. The Department will review that decision internally and notify the applicant(s) of the outcome of the review.

14.2.2 An applicant that is dissatisfied with the review may contact:

The Commonwealth Ombudsman  
GPO Box 442  
Canberra ACT 2601  
Telephone: 1300 362 072

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

14.2.3 Applicants should note that the Commonwealth Ombudsman can only review the Program's assessment processes, not any specific funding decision, under the Program.

### 14.3 Conflicts of interest

14.3.1 Any conflicts of interest could affect the performance of the Grant Opportunity. There may be a conflict of interest, or perceived conflict of interest, if the Department's staff, any member of a committee or advisor and/or the eligible applicant or any of the eligible applicant's personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the Selection Process, such as an Australian Government officer;
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently; or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the Program.

14.3.2 Eligible applicants will be asked to declare, as part of their application, any perceived or existing conflicts of interests or that, to the best of the applicant's knowledge, there is no conflict of interest.

14.3.3 If an eligible Applicant later identifies an actual, apparent, or perceived conflict of interest, it must inform the Department in writing immediately.

14.3.4 Conflicts of interest for Australian Government staff will be handled in accordance with the Australian [Public Service Code of Conduct \(Section 13\(7\)\)](#) of the [Public Service Act 1999](#). Evaluation Committee members and other officials including the Decision Maker must also declare any conflicts of interest.

### 14.4 Costs

14.4.1 The Department will not in any circumstances meet any costs or expenses incurred by an applicant in connection with their application. Applicants must bear their own costs and expenses associated with the application and assessment process, and the preparation, negotiation and execution of the Grant Agreement and of other documentation.

### 14.5 Background checks

14.5.1 The Department may undertake checks on organisations submitting an application for the Program (including the applicant's personnel). It may also undertake consultations with other relevant third parties regarding any application. The Department may also conduct checks to obtain any relevant information not disclosed in an application.

14.5.2 As part of these checks, the Department reserves the right to use information from:

- the Department's databases;
- other Government agencies, such as the Australian Taxation Office and Australian Securities and Investments Commission;
- State or Territory agencies;
- law enforcement agencies;
- credit reference agencies;
- courts or tribunals; and
- any other appropriate organisation or person.

## 14.6 Confidentiality

14.6.1 The Department will treat the applicant's commercially sensitive information provided in their application as Confidential Information provided that the information is designated as Confidential Information (Applicant Confidential Information).

14.6.2 The Department's confidentiality obligation does not apply to the extent any Applicant Confidential Information is:

- authorised or required by law to be disclosed;
- disclosed by the Department to its advisers, officers, employees, or other agencies' officers or employees, for the purpose of evaluating the applicant's application and during any Grant Agreement negotiations;
- disclosed by the Department in response to a request by a house or a committee of the Parliament of Australia, or a house or a committee of the Parliament of a state or territory;
- disclosed by the Department to its responsible Minister and his or her advisors or the Auditor-General and the APS employees assisting the Auditor General;
- shared by the Commonwealth within the Commonwealth's entity (for example, another Commonwealth agency), where this serves the Commonwealth's legitimate interests;
- disclosed to the Department's officers to enable the effective management or auditing of the Program; or
- in the public domain otherwise than due to a breach of the Department's confidentiality obligation.

14.6.3 The applicant will treat any information provided by the Department as Confidential Information provided that the information is designated as Confidential Information. (Commonwealth Confidential Information).

14.6.4 The applicant's confidentiality obligation does not apply to the extent any Commonwealth Confidential Information is:

- authorised or required by law to be disclosed; or
- in the public domain otherwise than due to a breach of the applicant's confidentiality obligation.

14.6.5 The Department may share with State or Territory governments (on a confidential basis) any or all information contained in applications which it considers relevant to the respective jurisdiction based on the location of the Proposed Solution(s), including costings for Proposed Solutions that are not successful in receiving funding through the Program.

## 14.7 Intellectual Property rights

14.7.1 By submitting an application under the Program, to the extent the applicant's application contains:

- its Intellectual Property; or
- a third party's Intellectual Property,

the applicant grants (or will procure for) the Commonwealth a permanent, irrevocable, royalty-free, worldwide, non-exclusive licence (including a right of sublicense) to use, reproduce, adapt, and communicate the applicant's (or third party's) Intellectual Property contained in its application under the Program provided the use, reproduction, adaptation, or communication is in connection with any assessment processes under, or the evaluation of, or promotion of the Program.

14.7.2 Any licence granted to the Commonwealth in relation to Intellectual Property rights does not include a right to exploit the Intellectual Property for commercial purposes.

## 14.8 Privacy of individuals

14.8.1 The Department treats personal information in accordance with the *Privacy Act 1988* (the Privacy Act). The Privacy Act contains 13 Australian Privacy Principles (the APPs) which governs how the Department collects, uses and discloses personal and sensitive information, and how individuals can access and correct records containing their personal or sensitive information.

14.8.2 The Department is committed to protecting personal information appropriately. If individuals within the applying organisation wish to deal with the Department anonymously or by using a pseudonym, it should advise the Departmental contact officer for the Program or contact the Department's Privacy Officer (see details below).

## 14.9 Personal information to be collected by the Department

14.9.1 The Department may collect personal information in the applicant's application and this may include names, and contain details and other personal information, which the applicant (or its personnel) has supplied to the Department in its application under the Program.

14.9.2 By providing the Department with personal information in the applicant's application under the Program, the applicant (and its named personnel) consents to the Department collecting, using and disclosing that personal information in accordance with these Guidelines and for the purposes of the Program.

14.9.3 If the applicant (or its personnel) does not consent to the Department's collection, use and disclosure of the personal information contained in its application under the Program, in accordance with these Guidelines, the applicant acknowledges that this may mean that the Department may not be able to progress or assess the application further for funding under the Program and that the application may be set aside under the assessment process.

## 14.10 Purpose for which the Department will use and disclose personal information

14.10.1 By submitting an application, the applicant acknowledges that the Department may collect personal information from the applicant (and its personnel) contained in its application for the purpose of carrying out the activities and functions of the Department related to the Program. In order to carry out its functions and activities connected to the Program, the Department may use the collected personal information for the purpose of any assessment processes under, or the evaluation of, the Program.

14.10.2 Further, in order to carry out its functions and activities connected to the Program, including (without limitation) assessment and evaluation functions, the Department may also disclose the collected personal information to other Commonwealth, State or Territory agencies.

14.10.3 The Department will use the personal information collected from the applicant for the primary purpose for which it was collected. The Department may use or disclose this personal information for another purpose (i.e. secondary purpose) if:

- the applicant reasonably expect the information to be used for the secondary purpose;
- it is required or authorised by law or a permitted general situation exists under the Privacy Act;
- the applicant gives the Department permission; or
- the Department reasonably believes the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## **14.11 The Department's contact point for privacy matters**

14.11.1 For further information about how the Department is committed to protecting personal information appropriately in accordance with the APPs, see the Department's APP Privacy Policy on its website at [www.infrastructure.gov.au/department/about/privacy.policy.aspx](http://www.infrastructure.gov.au/department/about/privacy.policy.aspx)

14.11.2 For further information about the Department's handling of personal information, contact the Department's Privacy Officer by sending an email to [privacy@infrastructure.gov.au](mailto:privacy@infrastructure.gov.au) or by writing to the Department at the following address:

Privacy Officer  
Department of Infrastructure, Transport, Regional Development and Communications  
GPO Box 594  
CANBERRA ACT 2601

14.11.3 General information about the Privacy Act and the APPs can also be found on the Office of the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).

## **14.12 Exclusion of liabilities**

14.12.1 The Department is not liable to applicants on the basis of a process contract (express or implied), promissory estoppel, equitable, restitutionary, contractual or quasi-contractual grounds, in relation to the Selection Process, including without limitation, when the Department:

- varies or terminates all or any part of the Selection Process or any negotiations;
- decides not to fund any or all of the activities sought through the Selection Process;
- varies the Selection Process; or
- exercises or fails to exercise any of its other rights under, or in relation to, these Guidelines.

## **14.13 Disclaimer**

14.13.1 The Commonwealth, the Department and its officers, employees, agents and advisors:

- are not, and will not be, responsible or liable for the accuracy or completeness of any information in or provided in connection with these Guidelines and associated forms;
- make no express or implied representation or warranty that any statement as to future matters will prove correct;

- disclaim any and all liability arising from any information provided to the applicants, including, without limitation, errors in, or omissions contained in, that information;
- except so far as liability under any statute cannot be excluded, accept no responsibility arising in any way from errors or omissions contained in any information in these Guidelines and associated forms; and
- accept no liability for any loss or damage suffered by any person as a result of that person, or any other person, placing reliance on the contents of these Guidelines and associated forms, or any other information provided by the Department.

#### 14.14 Fraud prevention

14.14.1 Applicants are responsible for ensuring that their application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995*<sup>8</sup> and the Department will investigate any false or misleading information and may exclude your application from further consideration.

#### 14.15 Freedom of Information

14.15.1 All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (FOI Act).

14.15.2 The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

14.15.3 All Freedom of Information requests must be referred to the Department's Freedom of Information Coordinator in writing at [foi@infrastructure.gov.au](mailto:foi@infrastructure.gov.au)

### 15. Consultation

15.1 In April 2020, the Department released a discussion paper seeking public feedback on the proposed design of Round 5A. This feedback was considered in preparing these draft Guidelines.

---

<sup>8</sup> <https://www.legislation.gov.au/Details/C2020C00245>

## 16. Glossary

| Term                             | Definition   |
|----------------------------------|--|
| 3G HSPA+ (3G)                    | Third generation mobile telecommunications service with the wireless broadband standard protocol known as the Evolved High Speed Packet Data Access or HSPA+.  |
| 4G                               | Fourth generation mobile telecommunications service.   |
| Application Pack                 | Has the meaning given in section 7.4.1.  |
| Assessment Criteria              | The specified principles or standards in section 6 against which applications will be assessed. These criteria are also used to assess the merits of proposals and, in the case of a competitive Grant Opportunity, to determine application rankings. |
| Assessment Formula               | The assessment formula the Department will use to assess applications for Mobile Coverage Solutions as set out in section 6.1.   |
| Assessment Tool                  | Has the meaning given in section 7.1, Stage 4.   |
| Asset Capital Costs (CAPEX)      | The costs to purchase and build physical assets under the Program.   |
| Backhaul                         | A link between the core or backbone of a network and sub-networks, transporting data from a series of disparate locations to a more centralised location.  |
| Baseline Data                    | The applicant's existing coverage and the amount of new coverage which each Funded Solution would provide will be used as the mobile coverage baseline data for section 13.1.2.  |
| Cluster Mobile Coverage Solution | A Mobile Coverage Solution comprising two or more (to a maximum of ten) base stations that the applicant is putting forward as a single proposal due to economic and/or network design benefits.   |
| Co-locating MNO                  | Has the meaning given in section 4.2.18.   |
| Commonwealth entity              | A Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act.  |

| Term  | Definition   |
|---|--|
| <a href="#"><u>Commonwealth Grants Rules and Guidelines (CGRGs)</u></a> | Rules that establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration. |
| Confidential Information  | Applicant Confidential Information and Commonwealth Confidential Information as defined in section 14.6.1 and section 14.6.3.  |
| Consumer Level Products or Equipment                                    | Non-infrastructure telecommunication products purchased for the consumption by a limited number of users.  |
| Date of Rollout Completion  | Has the meaning given in stage 10 of section 7.1.  |
| Decision Maker  | The Minister for Regional Health, Regional Communications and Local Government.  |
| Decision Maker's List   | Has the meaning given in section 9.2.2.  |
| Department  | Department of Infrastructure, Transport, Regional Development and Communications.  |
| Designated Major Regional and Remote Transport Corridors                | Has the meaning given in section 5.1.5.  |
| Draft Mobile Coverage Solutions Merit List                              | The ranked list of Mobile Coverage Solutions following the assessment process, but before Value for Money considerations.  |
| Draft Trial Solutions Merit List  | The ranked list of Trial Solutions following the assessment process, but before Value for Money considerations.  |
| Eligibility Criteria  | The mandatory criteria which must be met to qualify for a grant. Assessment Criteria may apply in addition to Eligibility Criteria.  |
| Emergency Service Organisation  | Has the meaning given in section 5.1.3.  |



| Term                         | Definition   |
|------------------------------|--|
| External Antenna Coverage    | <p>Coverage able to be obtained with a mobile device using an external antenna accessory:</p> <ul style="list-style-type: none"> <li>• that is currently available within the current mobile coverage area of at least one MNO in accordance with the publicly available mobile coverage maps from all MNOs;</li> <li>• that will be provided by any base station that will be delivered under a previous round of the Program, including Round 5; or</li> <li>• that will be provided by any base station funded under a State or Territory program.</li> </ul> |
| Existing Handheld Coverage   | <p>Coverage able to be obtained with a handheld mobile device:</p> <ul style="list-style-type: none"> <li>• that is currently available within the current mobile coverage area of at least one MNO in accordance with the publicly available mobile coverage maps from all MNOs;</li> <li>• that will be provided by any base station that will be delivered under a previous round of the Program, including Round 5; or</li> <li>• that will be provided by any base station funded under a State or Territory program.</li> </ul>                            |
| Funded Solution              | Mobile Coverage Solution or Trial Solution selected for funding under Round 5A of the Program.   |
| Funding Cap                  | The maximum amount, per Proposed Solution, of Commonwealth funding available in accordance with section 3.1.   |
| Grant Agreement              | The agreement which sets out the relationship between the Commonwealth and the Grantee, and specifies the details of the grant and responsibilities in relation to the grant.  |
| <a href="#">GrantConnect</a> | The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.  |
| Grant Opportunity            | The specific grant round or process where a Commonwealth grant is made available to potential applicants. Grant opportunities may be open or targeted, and will reflect the relevant grant Selection Process.  |



| Term   | Definition   |
|--|--|
| Grant Program                                  | A 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program.   |
| Grantee  | The individual/organisation which has been selected to receive a grant.  |
| High Priority Natural Disaster Prone Area      | Has the meaning given in sections 5.1.3 and 5.1.4.   |
| Intellectual Property                          | Includes:<br>(a) all copyright (including rights in relation to phonograms and broadcasts);<br>(b) all rights in relation to inventions, plant varieties, trademarks (including service marks), designs, circuit layouts; and<br>(c) all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields. |
| Ineligible Areas                               | The Urban Centres and Localities geographical units classified by the Australian Bureau of Statistics as 'Major Urban', i.e. with a population of 100,000 or more. The Department will provide map overlays showing Ineligible Areas to eligible applicants (upon request).  |
| Lead Applicant                                 | The responsible entity for application, funding and reporting purposes.  |
| Macrocell                                      | The widest range of cell sizes used in a mobile phone network served by a mobile base station, often used in rural areas and along highways. Macrocells generally provide larger coverage than small cell base stations or microcells, with a typical power output of tens of watts.   |
| Merit Lists                                    | The lists of Proposed Solutions that the Department will recommend to the Decision Maker when the assessment process and Value for Money consideration is completed (refer section 8.5.1)  |
| Mobile Coverage Solution                       | Has the meaning given in section 2.2.3.  |
| Mobile Network Infrastructure Provider or MNIP | Has the meaning given in section 4.1.3.  |
| Mobile Network Operator or MNO                 | Has the meaning given in section 4.1.2.  |
| Natural Disaster                               | Has the meaning given in section 5.1.3.  |

| Term                                   | Definition   |
|--|--|
| New External Antenna Coverage          | Coverage from a Proposed Solution that will be able to be obtained with a mobile device using an external antenna accessory in areas that do not receive Existing External Antenna Coverage.   |
| New Handheld Coverage                  | Coverage from a Proposed Solution that will be able to be obtained with a handheld mobile device in areas that do not receive Existing Handheld Coverage, in accordance with the meaning given in section 6.1.4.   |
| Operational Costs (OPEX)               | Costs for additional goods or services that are purchased for the ongoing operation of an asset.   |
| Operational Period                     | The length of time that an asset is required to provide services for which it was funded under the Program.  |
| Previous Funding Agreement             | Has the meaning given in section 7.4.6   |
| Program                                | The Mobile Black Spot Program.   |
| Proposed Solution                      | Infrastructure for which an applicant has sought funding under Round 5A of the Program.  |
| Reference Signal Received Power (RSRP) | The 4G received signal power in a long-term evolution (LTE) network measured in decibels per milliwatt (dBm).  |
| Resilience Measures                    | Has the meaning given in section 5.2.3.  |
| Selection Process                      | The method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the Eligibility Criteria and/or the Assessment Criteria.   |
| Small Cell                             | A 'small cell' in a mobile phone network, with a typical range less than two kilometres. Often used to add network capacity in areas of dense population or very remote locations, utilising power control to limit coverage area. These are also known as microcells.                               |
| Trials Application Form                | Has the meaning given in section 7.1, Stage 4.   |
| Trial Solution                         | Has the meaning given in section 2.2.3.  |
| Updated Previous Funding Agreement     | Has the meaning given in section 7.4.6   |
| Value for Money                        | 'Value for money' in these Guidelines refers to achieving 'value with relevant money' based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations in accordance with the CGRGs and section 8.4. |