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Department of Communications and the Arts

Mobile Black Spot Program—Priority Locations Grant Guidelines

November 2017

Version 1

These Guidelines were released by the Department of Communications and the Arts on 22 November 2017 to assist mobile network operators and mobile network infrastructure providers to prepare and submit proposals for funding under the Priority Locations round of the Australian Government’s Mobile Black Spot Program.



Version History

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1. Introduction

1.1 Mobile Black Spot Program

- 1.1.1 The Mobile Black Spot Program (the **Program**) is the Australian Government's initiative to extend and improve mobile phone coverage and competition. The Government has allocated \$60 million (GST exclusive) to deliver the **Priority Locations** round of the Program.
- 1.1.2 The Department of Communications and the Arts (the **Department**) is responsible for administering the Program on behalf of the Government.
- 1.1.3 In June 2015, the Government announced the 499 successful locations to receive funding under round 1 of the Program. In December 2016 a further 266 successful locations were announced to receive funding under round 2 of the Program. These Priority Location grant opportunity guidelines (these **Guidelines**) have been prepared following a review of rounds 1 and 2 of the Program, and targeted consultation with industry stakeholders and State and Territory governments.

1.2 About these Guidelines

- 1.2.1 These Guidelines describe the operation of the Program and include relevant information concerning:
 - (a) who is eligible to apply for funding;
 - (b) how to apply for the funding; and
 - (c) how the funding will be allocated under the Program.
- 1.2.2 These Guidelines are divided into the following parts:
 - (a) **Part A:** Eligibility;
 - (b) **Part B:** Program requirements and considerations;
 - (c) **Part C:** Application and Assessment;
 - (d) **Part D:** Program timing;
 - (e) **Part E:** Additional information;
 - (f) **Part F:** Glossary; and
 - (g) **Part G:** Attachments.
- 1.2.3 These Guidelines aim to ensure the Program is delivered as efficiently, effectively and economically as possible and achieves value for money to the Commonwealth.

1.3 Application deadline

The closing date for submitting an application for funding under the Priority Locations round of the Program is **5.00pm WEDNESDAY 20 December 2017 (Canberra time)**.

1.4 Further information

- 1.4.1 Further information on the Program is available on the Department's website at www.communications.gov.au/mobile_coverage
- 1.4.2 Enquiries about the Program can be made to the Department via the following email address: mobilecoverage@communications.gov.au

Part A – Eligibility

2. Eligibility criteria

2.1 Eligible applicants

- 2.1.1 To be eligible for funding under the Mobile Black Spot Program, an applicant must be a national Mobile Network Operator or a Mobile Network Infrastructure Provider.
- 2.1.2 For the purposes of the Program, a Mobile Network Operator (**MNO**) means a company, other than a Mobile Network Infrastructure Provider, that:
- (a) supplies a public mobile telecommunications service within the meaning of *the Telecommunications Act 1997*; and
 - (b) holds an apparatus or a spectrum licence (or both) for the supply of public mobile telecommunications services under *the Radiocommunications Act 1992*.
- 2.1.3 For the purposes of the Program, a Mobile Network Infrastructure Provider (**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 evidence of a commercially binding commitment from at least one MNO to use the infrastructure to deliver mobile services as described at section 5 for at least 10 years.
- 2.1.4 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. Awards to joint applicants may be granted on the condition that the parties would enter into a binding arrangement approved by the Department prior to finalisation of the **Grant Agreement**.

2.2 Solution eligibility

- 2.2.1 To be eligible for funding under the Program, each **Proposed Solution** must:
- (a) address the specified mobile coverage issue/s at one or more of the Priority Locations (Attachment A);
 - (b) address the quality of service issue/s as set out at Attachment A; and
 - (c) not be sited at a location identified on the applicant's 2017-18 to 2019-20 forward build network expansion or upgrade plans.
- 2.2.2 Applicants may propose the use of either **Macrocell** or **Small Cell** technologies to deliver services at the Priority Locations. For locations experiencing congestion/service quality issues, applicants may propose any solution which addresses the mobile coverage issue detailed at Attachment A so long as it delivers the minimum standards specified at 5.2.
- 2.2.3 To the extent that the predicted coverage to be provided by a Proposed Solution overlaps with existing **Handheld Coverage** from the applicant's own network, this overlapping portion of coverage will not be considered in the assessment of applications. **External Antenna Coverage** may be considered in the overarching value for money assessment of applications.

2.3 Existing network plans

- 2.3.1 To ensure that applicants do not seek Commonwealth funding for Proposed Solutions where they have already planned to invest commercially, all applicants (including MNIPs) must certify that any Proposed Solutions for which Commonwealth funds are being sought were not at any time part of their 2017-18 to 2019-20 forward-build network expansion or upgrade plans.
- 2.3.2 The Department may audit a Grantee’s compliance with section 2.3.1.

Part B – Program requirements and considerations

3. Program funding

3.1 Grant Agreements

- 3.1.1 Each **Grantee** will be required to enter into a Grant Agreement with the Commonwealth prior to the Government's announcement of successful Grantees and Priority Locations to receive funding (see section 13). The Grant Agreement will be in the legal form of a deed.
- 3.1.2 A draft Grant Agreement is at Attachment B of these Guidelines.
- 3.1.3 Each Grant Agreement will set out the Grantee's obligations in respect of the roll-out, co-location and open access terms and service terms for each **Funded Solution**.
- 3.1.4 For existing participants in the Program, the Commonwealth agrees that the basis for this Priority Location round Grant Agreement could be the executed round 2 agreements as more fully described in section 8.3.4.

3.2 Commonwealth funding

- 3.2.1 The Commonwealth has allocated \$60 million (GST exclusive) to this Priority Locations round of the Program.
- 3.2.2 The maximum Commonwealth co-contribution to be provided for each Proposed Solution is \$500,000 (GST inclusive) unless it is considered, in accordance with these Guidelines (see section 9.5.2), that a higher Commonwealth co-contribution is merited, when compared to other Proposed Solutions recommended for funding under this round.
- 3.2.3 Commonwealth funding under this Priority Locations round will be available only for the estimated capital costs of building Funded Solutions and the Grantees will be responsible for any actual capital costs which exceed estimated costs. All operating costs for Funded Solutions will be the responsibility of the Grantee.
- 3.2.4 For Funded Solutions which utilise 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) of the Indefeasible Right of Use for this backhaul may be included in the cost of building these solutions.

3.3 Applicant co-contribution

- 3.3.1 All Grantees will be required to make a substantial financial (cash) co-contribution to the capital costs of building each Funded Solution.

3.4 Third Party funding co-contributions

- 3.4.1 To increase the reach of the Program, applicants are encouraged to seek financial co-contributions from State, Territory or local governments, local communities and/or other third parties.
- 3.4.2 During the application period, applicants are strongly encouraged to consult with State, Territory and local governments and local communities regarding the Priority Locations for which they intend to build Proposed Solutions. These consultations should include any specific areas identified within the Priority Location which would be considered desirable to be covered by the Proposed Solution e.g. specific roads, recreational areas etc.

- 3.4.3 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.
- 3.4.4 The appropriate contact details for each State and local government, and **NBN Co** are at Attachment D. Applicants are solely responsible for forming relationships and negotiating contributions with any relevant parties, and for testing or verifying any advice received from these parties.
- 3.4.5 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.
- 3.4.6 State, Territory and local governments may own infrastructure in Priority 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.
- 3.4.7 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.
- 3.4.8 For Funded Solutions that include co-contributions from third parties, the Grantee will bear any costs, and provide that third parties' funding, if the third parties' funding is not secured following execution of the Grant Agreement between the Grantee and the Commonwealth.

3.5 In-kind co-contributions

- 3.5.1 A third party may wish to provide an incentive for applicants to include a particular Priority 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 3.5.2.
- 3.5.2 In-kind co-contributions could include:
 - (a) assistance with identifying and consulting with the local community on a suitable site;
 - (b) securing the necessary planning and site approvals;
 - (c) lease arrangements;
 - (d) civil works required for access to the site;
 - (e) assistance with coordinating power to the site; or
 - (f) facilitating access to existing infrastructure.
- 3.5.3 Third party contributions are the responsibility of the applicant, and can be reflected in a reduction in the amount of funding an applicant seeks for a Proposed Solution.
- 3.5.4 A list of the contact details for local governments with one or more Priority Locations in their local government area is at Attachment D. Applicants are responsible for forming relationships and negotiating contributions with any relevant parties, and for testing or verifying any advice received from these parties.

4. Reporting requirements

4.1 Program Evaluation

- 4.1.1 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.
- 3.1.2 Grantees will be required to participate in Program reviews and evaluations.

4.2 Baseline data

- 4.2.1 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, which will subsequently form the basis of project progress reports.

4.3 Public information

- 4.3.1 Grantees will be required to maintain a publicly available online database for the construction phase of the Program, as specified in the Grant Agreements, which will include information regarding the status and progress of Funded Solutions.

5. Minimum requirements

5.1 Introduction

- 5.1.1 Unless indicated otherwise in these Guidelines, this section 5 sets out the minimum requirements that Grantees would need to comply with. These requirements will be included as schedules to the Grant Agreements. Under section 9.3.1, applications that do not meet the minimum requirements may, at the Department's absolute discretion, be excluded from further consideration.

5.2 Services required

- 5.2.1 All Funded Solutions must deliver new or improved mobile coverage, or both, to the Priority Location, as outlined in section 2.2.
- 5.2.2 The Government's expectation is that consumers will be able 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 and using mobile apps. To meet this expectation:
- (a) all Funded Solutions will be required to deliver mobile voice and broadband data services using at least **3G HSPA+**;
 - (b) in addition to section 5.2.2(a) all Funded Solutions not in **Remote or Very Remote** areas (as determined in accordance with the Australian Bureau of Statistics' 2011 Remoteness Structure) will be required to deliver broadband data services using **4G** technology;
 - (c) proposed handheld coverage modelling for 3G HSPA+ must be based on outdoor Received Signal Code Power (RSCP) greater than -90 dBm at a 90 per cent confidence level for the cell area; and
 - (d) proposed external antenna coverage modelling for 3G HSPA+ must be based on outdoor RSCP greater than -107 dBm at a 90 per cent confidence level for the cell area (refer to section 13.4.3).

- 5.2.3 All Funded 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.
- 5.2.4 Grantees will be required to ensure that each Funded Solution delivers the required mobile services to the target coverage areas on a commercial basis for a minimum of ten years, commencing from the date when initial services commence being delivered from each Funded Solution.

5.3 Open access, co-location and co-build

- 5.3.1 A key objective of the Program is to maximise the choice of MNOs for consumers. All Proposed Solutions must offer co-location, or the applicant must provide evidence (as per section 5.3.3) that the Proposed Solution is unable to support an additional MNO.
- 5.3.2 When applying for funding under this Priority Location round of the Program, applications will be assessed based on the cost to the Commonwealth of building the Proposed Solution with no additional co-locating MNOs. Applicants will need to provide details of the incremental costs to support an additional MNO on the site, which may be considered as part of a value for money assessment of the Proposed Solution.
- 5.3.3 If a Proposed Solution is unable to support an additional MNO, applicants must provide a detailed explanation of why it is not technically feasible to reconfigure the Proposed 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 Proposed Solution, or the Department may remove the Proposed Solution from the assessment process.
- 5.3.4 Once an applicant is selected to build a Proposed Solution, it must give other MNOs the opportunity to co-locate and to participate in the detailed design phase for that Funded Solution using the process set out in this section 5. The incremental cost for a Funded Solution to support an additional MNO will be provided to the other participating MNOs to allow for greater transparency in co-location negotiations.
- 5.3.5 For Funded 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 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 Solution, as well as site space for housing equipment and access to power and backhaul.
- 5.3.6 The Government is supportive of Grantees offering other MNOs the opportunity to co-invest in Funded Solutions including (but not limited to) provision of backhaul.
- 5.3.7 For the purpose of providing the incremental cost of supporting an additional MNO, a Proposed Solution must meet the following minimum specifications to be considered capable of supporting two or more MNOs:
 - (a) The structure is based on one of the following configurations:

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 (Dimensions: 2680mm (h) x 300mm (w) x 146mm (d), Weight: 39.5kg)	3 x 10 port antenna (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	

- (b) There is sufficient mains AC power provision to support the requirements of additional MNO equipment. This section 5.3.7(b) 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.
- (c) There is a communications hut of sufficient size (or space available on the site for further huts) to accommodate additional MNO equipment.

- 5.3.8 MNOs interested in co-locating on, or co-building a Funded Solution will be required to express interest prior to the start of the detailed design stage for that Funded Solution. All parties will be required to negotiate in good faith with each other in relation to the Funded 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 Solution must, at least, equal the incremental cost incurred by reason of provisioning co-location for that Funded Solution.
- 5.3.9 In accordance with the dispute resolution process outlined at section 5.5 of these Guidelines, any disagreements regarding open access and co-location matters will be determined by an independent third party, to be appointed at the MNOs/MNIPs' shared cost, and in accordance with the dispute resolution process.
- 5.3.10 Co-location negotiations for Funded Solutions are to occur at the earliest possible opportunity after the successful sites are known and before the commencement of the detailed site design phase begins for an individual Funded Solution.
- 5.3.11 Following the process set out in this section 5.3, if it is ascertained that there is no interest in co-location from another MNO or **NBN Co**, the Grantee will not be required to design or build the site to allow for co-location.

5.4 Backhaul access and pricing

- 5.4.1 Where an MNO selected to build a Funded Solution (the **Building MNO**) reaches an agreement under section 5.3 of these Guidelines for another MNO (the **Co-locating MNO**) to co-locate on the Funded Solution, the Building MNO must offer backhaul to the Co-locating MNO if the Building MNO is in a position to do so (see section 5.4.2).
- 5.4.2 The Building MNO will be taken to be in a position to offer backhaul to the Co-locating MNO if the Building MNO owns or controls an optical fibre which connects the Funded Solution to the Building MNO's network.
- 5.4.3 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 Proposed Solution, the applicant should clearly define the level of service to be provided.
- 5.4.4 The price at which the Building MNO 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.
- 5.4.5 Where a Building MNO chooses to provide backhaul to a Funded 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 Solution.
- 5.4.6 Where a Building MNO chooses to provide backhaul to a Funded Solution using a microwave connection, the Building MNO must provide backhaul services to a Co-locating MNO over that microwave connection, unless:
- (a) the Funded Solution is designed and built to allow the Co-locating MNO to install, operate and maintain its own microwave backhaul equipment on the Funded Solution; and
 - (b) the Co-locating MNO is permitted to install, operate and maintain its own microwave backhaul equipment on the Funded Solution.
- 5.4.7 The terms and pricing of backhaul services provided by a Building MNO to a Co-locating MNO must be negotiated commercially between the Building MNO and Co-locating MNO in accordance with the principles set out in this section 5.4.

5.5 Dispute resolution

- 5.5.1 MNO disputes in relation to co-location and backhaul for a Funded Solution will be referred for determination to an independent third party expert. MNOs will be given the opportunity to appoint, at their own shared cost, an independent third party to determine any disputes that may arise in relation to Funded Solutions (for example, disputes related to technical or pricing matters).
- 5.5.2 The Building MNO and Co-locating MNO will be bound by the determination made by the independent third party expert.

6. Additional services

6.1 Roaming services

- 6.1.1 Though no credit will be given under the assessment criteria, applicants are able to offer roaming from base stations funded under the Program.

6.2 Back-up Power

- 6.2.1 All Macrocell and Small Cell solutions must have an auxiliary back-up power supply, which provides back-up power for a minimum of three hours in the event of the loss of external power to the site.
- 6.2.2 Applicants must provide the cost for each Macrocell or Small Cell for which funding is being sought of an additional nine hours of auxiliary back-up power, i.e. a total of 12 hours of back-up power. Funding may be provided to one or more Funded Solutions for the additional nine hours of auxiliary back-up power supply.

7. Other considerations

7.1 Utilising NBN Co's fixed wireless network

- 7.1.1 In some circumstances, actual or planned **National Broadband Network (NBN)** facilities may offer applicants an opportunity to provide coverage in a location at lower cost than would otherwise be the case, including:
- (a) where NBN Co has already built a fixed wireless base station in or near an area that has been identified as lacking adequate mobile coverage;
 - (b) where NBN Co can provide backhaul on a commercial basis that would reduce the cost of deploying a Funded Solution in an area that has been identified as lacking adequate mobile coverage;
 - (c) where NBN Co has already acquired land for a fixed wireless base station in an area that has been identified as lacking adequate mobile coverage; and
 - (d) where NBN Co has plans for a fixed wireless base station in an area that has been identified as lacking adequate mobile coverage.
- 7.1.2 Applicants are strongly encouraged to consult with NBN Co to identify all possible opportunities to achieve mutually beneficial outcomes via the use of NBN Co network facilities.
- 7.1.3 Should mutually suitable locations be identified, the potential applicant (or applicants) should reach an agreement with NBN Co on the planned use of NBN facilities. Such an arrangement should be specified in the application for funding.
- 7.1. Alternatively, where the Proposed Solution is in an area for which NBN Co has plans to construct network facilities (but has not yet) such as a base station or fibre optic or microwave backhaul, the applicant and NBN Co may choose to specify that the application include a co-contribution from NBN Co (on the basis that the Proposed Solution to be built will be of use to both NBN Co and the applicant).

Part C – Application and Assessment

8. Application process

8.1 Applicant registration

- 8.1.1 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 Priority Locations round.

8.2 Pre-application lodgement

- 8.2.1 MNOs who have registered as potential applicants and intend to submit applications for funding under this Priority Locations round must first submit their existing coverage information, incorporating the coverage from base stations which were funded under rounds 1 and 2 (where relevant).
- 8.2.2 Existing coverage information required at section 8.2.1 must be submitted to the Department by no later than **5pm (Canberra time), Friday 1 December 2017**. The Department may, at its absolute discretion, accept mobile coverage information submitted by MNOs after this date.
- 8.2.3 The existing coverage information required in accordance with section 8.2.1 must be supplied as per the predictive coverage modelling standards which underpin the publically available coverage maps on the MNOs website, and must not be prepared based on the coverage modelling standard outlined at section 5.2.2.
- 8.2.4 Pre-application information can be submitted by either of the methods outlined at section 8.3.

8.3 Completing and lodging an application

- 8.3.1 Applications for funding must be lodged using the Application Pack provided at Attachment C of these Guidelines.
- 8.3.2 To seek funding under the Program, applicants must complete the Base Station Assessment Tool (BSAT) from the Application Pack to provide information for each Proposed Solution for which it is seeking funding, specifying in each case:
- (a) the Priority Location;
 - (b) the total estimated all-up capital cost of construction (GST inclusive), including backhaul and power;
 - (c) the amount of co-contribution (GST inclusive) being provided by the applicant;
 - (d) the amount of Commonwealth co-contribution sought under the Program – capped at \$500,000 (GST inclusive) per Proposed Solution (subject to section 3.2.2);
 - (e) 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 NBN Co or any combination of these, and any specific requirements or conditions tied to the co-contributions (for information purposes);
 - (f) the extent to which it meets the assessment criteria;
 - (g) whether the Proposed Solution is dependent on the construction of one or more of the applicant's other Proposed Solutions, including explaining the specific dependencies;
 - (h) predictive coverage mapping data for each Proposed Solution (as per section 5.2.2);

- (i) specific network elements to be added, augmented or upgraded which are proposed to address a capacity and/or service quality issue at a Priority Location. For example, in addressing network capacity issues applicants may be required to provide network statistics for existing sectors in a suitable time resolution such as, call set up success rates, data throughput per cell / per user and the number of active users per cell. Information provided on network quality issues may include the number of cell reselections, call set up failures, dropped calls and uplink noise; and
- (k) the cost of providing an auxiliary back-up power supply of a minimum additional nine hours for each macrocell or small cell (nine hours additional to the required three hours).

Note: The applicant must agree that the predictive coverage mapping data supplied at section 8.3.2(h) can be used by the Department to prepare promotional material for the Program.

- 8.3.3 In addition, applicants must warrant that none of the Proposed Solutions for which Commonwealth funds have been sought were part of their 2017-18 to 2019-20 forward-build network expansion or upgrade plans (see section 2.3).
- 8.3.4 Subject to clause 8.3.4A, Applicants must indicate their compliance with the draft Grant Agreement (at Attachment B of these Guidelines) 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 position and their reasons for requesting the change.
- 8.3.4A Applicants who have previously agreed a funding agreement with the Commonwealth under round 2 of the Program (Previous Funding Agreement) and wish to use that Previous Funding Agreement as the basis for this Priority Location round Grant Agreement must indicate their compliance with the Previous Funding Agreement as amended to reflect the requirements of this Priority Location 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 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 Priority Location round. These requirements will be drawn from the draft Grant Agreement at Attachment B to these Guidelines. The Previous Funding Agreement together with these requirements will effectively comprise the Updated Previous Funding Agreement which should be used for the applicants' compliance statements and to develop the revision-marked version referenced above. Section 13.6 contains further information about the timing for Grant Agreement negotiations.
- 8.3.5 Details for contacting the Department to seek clarification or assistance with any aspects of completing an application are at section 1.4 of these Guidelines.
- 8.3.6 Applications can be lodged using Govdex, the Australian Government's secure online document sharing and project management system. Potential applicants will be provided with information about lodging applications using Govdex upon registering as a potential applicant for this Priority Locations round.
- 8.3.7 All electronic files, regardless of transmission method, should be provided in a 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.

- 8.3.8 The Department may also accept applications via hard copy and/or physical electronic media, in addition to electronic applications (refer to sections 8.3.9 and 8.3.10).
- 8.3.9 Should applicants wish to submit hard copy documents, applicants should provide the original hard copy plus three copies (unbound). The original document should be marked 'Original', and be signed and dated. The copies should be numbered sequentially and marked 'Copy 1', 'Copy 2' and 'Copy 3'. Where hard copy documents are submitted, applicants must provide electronic copies of geo-spatial information via physical electronic media or via Govdex.
- 8.3.10 Where physical electronic media is to be provided, such as CD-ROM, DVD-ROM or USB stick, the media must be PC-formatted. Applicants should include an index of all electronic documents on the physical electronic media.
- 8.3.11 Submissions provided in hard copy and physical electronic media formats should be delivered via registered post or by hand prior to the closing date (see sections 8.3.12 and 8.4.1).
- 8.3.12 Applications are to be addressed and delivered to:
 Director, Mobile Black Spot Program (Priority Locations)
 Department of Communications and the Arts
 2 Phillip Law Street
 CANBERRA ACT 2601
- 8.3.13 The Department will acknowledge receipt of all applications by email to the nominated contact officer.

8.4 Closing date for funding applications

- 8.4.1 The closing date for submitting an application for funding under this round of the Program is **5.00pm (Canberra time), Wednesday 20 December 2017**.

8.5 Late applications

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

8.6 Further information about the application

- 8.6.1 At any time during the due diligence assessment or the assessment proper, the Department may:
- (a) contact applicants to check information that may be ambiguous or unclear;
 - (b) seek either additional information or seek clarification of certain information to assist its assessment of applications; and/or
 - (c) seek expert advice to verify claims made.

9. Assessment process

9.1 Application completeness check

- 9.1.1 Following the closing date for applications, the Department will undertake an initial check to ensure each application is complete and all necessary supporting documentation has been submitted as part of the application. The Department may, at its absolute discretion, contact an applicant to request missing information.

9.2 Risk assessment

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

9.3 Initial assessment

- 9.3.1 Following confirmation that the applications are complete, the assessment criteria will be used by the Department to undertake the initial evaluation of applications received for the Program, including an assessment of whether the minimum requirements set out in section 5 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.
- 9.3.2 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 (as per section 8.3.2(h)), and network statistics relating to capacity and/or service quality for sectors currently servicing a Priority Location (as per section 8.3.2(i)).
- 9.3.3 Following this review process, the Department will prepare a list including one Proposed Solution for each of the Priority Locations for which there is either a mobile coverage issue, or both a mobile coverage and quality of service issue (the **Mobile Coverage Draft Merit List**).
- 9.3.4 The Department will also prepare a list for each of the Priority Locations for which there is a quality of service issue (and no mobile coverage issue) (the **Quality of Service Draft Merit List**).
- 9.3.5 All other Proposed Solutions for each Priority Location will be grouped in two separate lists (the **Secondary Mobile Coverage Draft Merit List**, and the **Secondary Quality of Service Draft Merit List**).

9.4 Establish funding cut-off point

- 9.4.1 Of the \$60 million (GST exclusive) in funding available:
- \$54 million will be allocated towards funding Proposed Solutions from the Mobile Coverage Draft Merit List; and
 - \$6 million will be allocated towards funding Proposed Solutions from the Quality of Service Draft Merit List.
- 9.4.2 If funding remains after all solutions are funded from the Mobile Coverage Draft Merit List, and unfunded Proposed Solutions remain on the Quality of Service Draft Merit List, then the Department may recommend that the unallocated funds be used to fund the Proposed Solutions on the Quality of Service Draft Merit List.
- 9.4.3 Correspondingly, if funding remains after all solutions are funded from the Quality of Service Draft Merit List, and unfunded Proposed Solutions remain on the Mobile Coverage Draft Merit List, then the Department may recommend that the unallocated funds be used to fund the Proposed Solutions on the Mobile Coverage Draft Merit List.
- 9.4.4 If funding is still available after the process undertaken under 9.4.1, 9.4.2 and 9.4.3, the Department may recommend that locations be funded from the Secondary Mobile Coverage Draft Merit List, and the Secondary Quality of Service Draft Merit List. A value for money assessment may be undertaken in comparing the relative merits from Proposed Solutions from

different Merit Lists. This may entail more than one Proposed Solution being funded at one or more Priority Locations.

9.5 Value for money assessment

- 9.5.1 The Department will undertake an assessment of the value for money to the Commonwealth for all Proposed Solutions to be recommended for funding (see 2.2.3, 5.3.2, 9.4.4, 10.3, 10.4, 13.4.3).
- 9.5.2 In ensuring there is a Proposed Solution recommended for funding for each of the Priority Locations the Department may, at its absolute discretion, recommend increasing the level of Commonwealth funding for one or more Proposed Solutions above the \$500,000 (GST inclusive) cap.

9.6 Terms of Grant Agreement

- 9.6.1 The Department may reject any Proposed Solutions included in an application where the applicant has not reached agreement with the Commonwealth on the terms of the Grant Agreement within the assessment of applications period at section 13.5.

9.7 Merit List

- 9.7.1 The list of Proposed Solutions that the Department will recommend to be Funded Solutions when the process set out in this section 9 is completed is the **Merit List**.
- 9.7.2 Subject to section 9.3.3, the Department will provide the Merit List to the Minister for Regional Communications as the **Decision Maker**, including the assessment of the overall value for money to the Commonwealth for each Proposed Solution recommended for funding.
- 9.7.3 In establishing the Merit List, the Department will exercise its own judgement in determining if any changes are required to give best effect to the overall Program objectives regarding improved coverage and competition.

9.8 Use of satellite backhaul

- 9.8.1 It is acknowledged that satellite backhaul has limitations in regards to the level of mobile service it can provide to consumers (as compared with fibre and/or microwave backhaul).
- 9.8.2 If a location is proposed to be served by one applicant using satellite backhaul and by another applicant by fibre and/or microwave backhaul, the Department will consider the respective levels of service to be provided in assessing the two applications.

10. Assessment Criteria

- 10.1 Proposed Solutions for each Priority Location will be assessed against the following **Assessment Formula** to derive the cost to the Commonwealth per weighted square kilometre of new handheld coverage:

$$\frac{\text{Cost to the Commonwealth (\$)}}{\text{Weighted new handheld coverage (km}^2\text{)}}$$

- 10.2 Weighted new handheld coverage is calculated as:

- A. the size (in square kilometres) of the mobile coverage footprint area which will receive new handheld coverage where previously there was no coverage at all from any MNO, plus (+);
- B. the size (in square kilometres) of the mobile coverage footprint area which will receive new handheld coverage where previously there was coverage from another MNO, divided by a weighting factor of two (2).

i.e.

$$\frac{\text{Cost to the Commonwealth (\$)}}{A + (B/2)}$$

- 10.3 If a Proposed Solution delivers no new handheld coverage (for example, it is addressing seasonal demand issues by increasing the capacity of an existing base station at a Priority Location), it will be ranked against other Proposed Solutions for the same Priority Location by cost to the Commonwealth and a value for money assessment. Applicants should provide information and an assessment of the capacity / service quality indicators for the Priority Location (as per section 8.3.2(i)), and describe the proposed solution that will address the specific issue.
- 10.4 An overarching value for money assessment will also be undertaken to consider which of the Proposed Solutions for each Priority Location is most appropriate to recommend for funding. Based on this assessment, the Department reserves the right to recommend one or more Proposed Solutions for funding which were lower ranked than other Proposed Solutions for the same Priority Location against the assessment criteria.

11. Decision on funding

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

12. Review of decision

- 12.1 An applicant wishing to seek a review of the decision relating to its application for the Program should contact the Department by email at mobilecoverage@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.
- 12.2 An applicant that is dissatisfied with the review may contact:
- The Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601
Telephone: 02 6276 0111
Toll free: 1300 362 072
Website: www.ombudsman.gov.au
- 12.3 Applicants should note that the Commonwealth Ombudsman can only review the Program’s assessment processes, not any specific funding decision, under the Program.

Part D – Program timing

13. Key Program stages and timing

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

13.1 Stage 1 – Release of Guidelines and call for Applications

Timing: 22 November 2017

- 13.1.1 At the same time as releasing these Guidelines, the Government will issue a call for applications from eligible applicants for funding under the Priority Locations round of the Program.
- 13.1.2 These Guidelines include the list of Priority Locations identified by the Government. Applicants must use this list of locations to identify areas they propose to include in their applications for funding.

13.2 Stage 2 – Applicant registration

Timing: Registration due by 29 November 2017

- 13.2.1 Organisations wishing to apply for funding under the Priority Locations round must contact the Department to register as a potential applicant within one week following release of these Guidelines in order to obtain access to the application documentation on **GrantConnect**. Eligible organisations who registered under previous rounds and who are interested in participating in the Priority Locations round are required to register for the Priority Locations round. (Previous registrations will not be valid for the purposes of the Priority Locations round).
- 13.2.2 Organisations can register their interest with the Department by emailing mobilecoverage@communications.gov.au and providing the following information:
- (a) Organisation name;
 - (b) Contact name;
 - (c) Contact phone number; and
 - (d) Contact email address.
- 13.2.3 The Department will contact organisations that register their interest as potential applicants.
- 13.2.4 Following registration, the Department may contact registered organisations during the application period to negotiate and agree Terms of the draft Grant Agreement, in addition to the Negotiation of Grant Agreements period at section 13.6.

13.3 Stage 3 – Pre-application documentation

Timing: Pre-application documentation due by 1 December 2017

- 13.3.1 The application documentation outlines the requirements on potential applicants prior to submitting an application for funding.
- 13.3.2 Each applicant must submit their publically available coverage maps (incorporating, where relevant, all base stations funded under rounds 1 and 2 of the Program, regardless of the stage of construction) ahead of submitting their application for funding.

13.4 Stage 4 – Preparing and submitting applications

Timing: Applications due by 20 December 2017

- 13.4.1 The application documentation describes in detail the Program requirements, and outlines the terms and conditions under which Commonwealth funding is to be made available.
- 13.4.2 Each applicant must complete the BSAT for each Proposed Solution for which it is seeking funding, specifying in each case the information set out in section 8.3.2.
- 13.4.3 The completed BSAT must include data on the level of coverage that each Proposed Solution will achieve in terms of area. Mapping data must be provided to indicate the area to be covered by handheld coverage meeting the required service standards set out at section 5.2.2. For reporting and value for money assessment purposes the application should also indicate the area of external antenna coverage to be provided, the length of additional coverage of major transport routes (via external antenna coverage) and additional premises covered (via handheld coverage), as per section 5.2.2.
- 13.4.4 Applicants may seek all or part of the total \$60 million (GST exclusive) funding available through the Program.

13.5 Stage 5 – Assessment of Applications

Timing: December 2017 – January 2018

- 13.5.1 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 9.
- 13.5.2 An expert engineering firm in the mobile telecommunications industry, as appointed by the Department, will test coverage claims.
- 13.5.3 The Proposed Solutions selected recommended for funding through the assessment process will be included on the Merit List provided to the Decision Maker.

13.6 Stage 6 – Negotiation of Grant Agreements

Timing: November 2017 - January 2018

- 13.6.1 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 at section 13.5.
- 13.6.2 Any of the Proposed Solutions contained within an application will not be recommended for funding unless the applicant has reached agreement with the Commonwealth on the terms of the Grant Agreement.

13.7 Stage 7 – Grantees advised of outcomes and funding arrangements finalised

Timing: January 2018

- 13.7.1 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.
- 13.7.2 Each successful Applicant must enter into a legally binding Grant Agreement with the Commonwealth prior to the Government's announcement of successful locations and Grantees.

- 13.7.3 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.
- 13.7.4 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.

13.8 Stage 8 – Grantees and locations announced

Timing: January 2018

- 13.8.1 The locations of Funded Solutions and Grantees are expected to be announced by the Government in January 2018. The outcomes of this process and grant outcomes will be published on GrantConnect.

13.9 Stage 9 – Co-location negotiations

Timing: from January 2018

- 13.9.1 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 section 5.3.

13.10 Stage 10 – Date of Rollout Completion

Timing: 31 December 2018

- 13.10.1 Grantees will be expected to complete the rollout of all Funded Solutions by 31 December 2018 (**Date of Rollout Completion**). The Date of Rollout Completion will be agreed in the Grant Agreement.

Part E – Additional information

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 and in accordance with these Guidelines.
- 14.1.2 The Department, as a non-corporate Commonwealth entity under *the Public Governance, Performance and Accountability Act 2013* (Cth) (the PGPA Act), in relation to its investment in the Program, must comply with:
- (a) 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;
 - (b) 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;
 - (c) the *Commonwealth Grants Rules and Guidelines*, 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 Costs

- 14.2.1 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.

14.3 Right to vary the Program

- 14.3.1 The Government reserves the right to abort or vary 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.
- 14.3.2 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.
- 14.3.3 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.

- 14.3.4 Except to the extent to give effect to this in Part E of these Guidelines, 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 by the Commonwealth and the Grantee(s).

14.4 Clarifications

- 14.4.1 All requests for clarification or determination of the meaning of provisions in these Guidelines should be referred to the Department by email at mobilecoverage@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. Written decisions may be made publicly available via GrantConnect, where appropriate.

14.5 Background checks

- 14.5.1 Applicants should ensure that, where appropriate, personnel involved in the Program have undergone background checks – including checks of financial viability or criminal records – to determine the good character and business reputation of the project leader and its personnel.
- 14.5.2 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.
- 14.5.3 The Department reserves the right to use information from:
- (a) the Department's databases;
 - (b) other Government agencies, such as the Australian Taxation Office and Australian Securities and Investments Commission;
 - (c) State or Territory agencies;
 - (d) law enforcement agencies;
 - (e) credit reference agencies;
 - (f) courts or tribunals; and
 - (g) any other appropriate organisation or person reasonably required as part of these checks.

14.6 Confidentiality

- 14.6.1 The Department will treat any of the applicant's commercially sensitive information provided in the applicant's application as **confidential information** provided that 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:
- (a) authorised or required by law to be disclosed;
 - (b) 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;
 - (c) 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;

- (d) disclosed by the Department to its responsible Minister or the Auditor-General;
 - (e) shared by the Commonwealth within the Commonwealth’s entity (for example, another Commonwealth agency), where this serves the Commonwealth’s legitimate interests;
 - (f) disclosed to the Department’s officers to enable the effective management or auditing of the Program; and
 - (g) 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 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:
- (a) authorised or required by law to be disclosed; or
 - (b) 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, subject to agreement on confidentiality with applicants.

14.7 Intellectual Property rights

- 14.7.1 By submitting an application under the Program, to the extent the applicant’s application contains:
- (a) its **Intellectual Property**; or
 - (b) 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 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, 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 is covered by *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:
- (a) the applicant reasonably expects the information to be used for the secondary purpose;
 - (b) it is required or authorised by law or a permitted general situation exists under the Privacy Act;
 - (c) the applicant gives the Department permission; or
 - (d) 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 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.communications.gov.au/privacy

- 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 ogc@communications.gov.au or by writing to the Department at the following address:

Privacy Officer
 Department of Communications and the Arts
 GPO Box 2154
 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

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:

- (a) varies or terminates all or any part of the selection process or any negotiations;
- (b) decides not to fund any or all of the activities sought through the selection process;
- (c) varies the selection process; or
- (d) 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:

- (a) 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;
- (b) make no express or implied representation or warranty that any statement as to future matters will prove correct;
- (c) disclaim any and all liability arising from any information provided to the applicants, including, without limitation, errors in, or omissions contained in, that information;
- (d) 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
- (e) 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 The Department is committed to the Commonwealth Fraud Control Guidelines. Applicants should familiarise themselves with the Department's Fraud Control Policy Statement (which can be provided upon request). This also underpins their respective fraud and risk minimisation responsibilities when dealing with the Department.
- 14.14.2 Giving false or misleading information is a serious offence under *the Commonwealth Criminal Code Act 1995*.

Part F – Glossary

Term	Definition
3G HSPA+	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.
Assessment Formula	The assessment formula the Department will use to assess applications as set out in section 10.
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 applicants 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 4.2.1. The applicants existing network capacity and configurations and the amount of new / upgraded capacity and /or improved network configuration/s which each Funded Solution would provide will be used as the quality of service baseline data for section 4.2.1.
Building MNO	Has the meaning given in section 5.4.1.
Co-locating MNO	Has the meaning given in section 5.4.1.
Confidential Information	Has the meaning given in section 14.6.1.
Date of Rollout Completion	Has the meaning given in section 13.10.1.
Decision Maker	The Minister for Regional Communications.
Decision Maker's List	Has the meaning given in section 11.2.
Department	Has the meaning given in section 1.1.2.
External Antenna Coverage	3G HSPA+ coverage which can be obtained using an external antenna attached to a handheld mobile device, as determined in accordance with the publically available mobile coverage maps from all MNOs, and the external antenna coverage which will be delivered under rounds 1 and 2 of the Program.
Funded Solution	Mobile network infrastructure selected for funding under the Program.
Grant Agreement	A document with contractual effect specifying the responsibilities of Grantees and the Commonwealth under the Program.
GrantConnect	GrantConnect is the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the <i>Commonwealth Grants Rules and Guidelines 2017</i> .
Grantee	An applicant who has been successful in obtaining funding under the Program.

Term	Definition
Handheld Coverage	3G HSPA+ coverage which can be obtained with a handheld mobile device as determined in accordance with the publically available mobile coverage maps from all MNOs, and the handheld coverage which will be delivered under rounds 1 and 2 of the Program.
Intellectual Property	Includes: (a) all copyright (including rights in relation to phonograms and broadcasts); (b) all rights in relation to inventions, plant varieties, trademarks (including service marks), designs, circuit layouts; and (c) all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.
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. Generally providing larger coverage than microcells, with a typical power output of tens of watts.
Merit List	The list of Proposed Solutions that the Department will recommend to the Decision Maker when the assessment process is completed.
Mobile Coverage Draft Merit List	Has the meaning given in section 9.3.3.
Mobile Network Infrastructure Provider or MNIP	Has the meaning given in section 2.1.3.
Mobile Network Operator or MNO	Has the meaning given in section 2.1.2.
National Broadband Network or NBN	The national wholesale-only, open access telecommunications network that is being built by, or in conjunction with, NBN Co (including any existing network incorporated into the NBN).
NBN Co	NBN Co Limited.
Priority Location Program	A location listed at Attachment A . Has the meaning given in section 1.1.1.
Proposed Solution	Infrastructure for which an applicant has sought funding under the Program (Priority Locations round).
Quality of Service Draft Merit List	Has the meaning given in section 9.3.4.
Remote or Very Remote	Has the meaning given in section 5.2.2(b).
Secondary Mobile Coverage Draft Merit List	Has the meaning given in section 9.3.5.
Secondary Quality of Service Draft Merit List	Has the meaning given in section 9.3.5.
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, utilising power control to limit coverage area.

Part G – Attachments

Attachment A – Priority Locations & Issue Descriptions

The Department of Communications and the Arts will provide the list of Priority Locations, including a description of the relevant issues to organisations that have registered as an eligible applicant for funding under this Priority Locations round of the Program. Information on registering as a potential applicant is available at section 13.2 of these Guidelines.

Attachment B – Draft Grant Agreement

The Department will provide a draft Grant Agreement to organisations that have registered as an eligible applicant for funding under this Priority Locations round of the Program. Information on registering as an eligible applicant is available at section 13.2 of these Guidelines.

Attachment C – Application Pack

The Department of Communications and the Arts will provide an Application Pack to organisations that have registered as an eligible applicant for funding under this Priority Locations round of the Program. Information on registering as a potential applicant is available at section 13.2 of these Guidelines.

Attachment D – State, Territory, Local Government and NBN Co contacts

On request, the Department will provide State, Territory, Local Government and NBN Co contact details to organisations that have registered as an eligible applicant for funding under this Priority Locations round of the Program. Information on registering as a potential applicant is available at section 13.2 of these Guidelines.