



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**

Mobile Black Spot Program— Round 5—Guidelines Version 1

April 2019

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Closing date and time:	5.00pm AEST on 26 July 2019
Commonwealth policy entity:	Department of Communications and the Arts
Enquiries:	If you have any questions, please email MBSRound5@communications.gov.au . Questions should be sent no later than 19 July 2019. Further information on the Mobile Black Spot Program is available on the Department's website at www.communications.gov.au/mbsp .
Date guidelines released:	5 April 2019
Type of grant opportunity:	Targeted competitive



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1. Mobile Black Spot Program: Round 5 Processes

The Program is designed to achieve Australian Government objectives

This grant opportunity is part of the above Grant Program which contributes to the Department of Communications and the Arts' (the Department) Outcome 1.1. The Department works with stakeholders to plan and design the grant program according to the *Commonwealth Grants Rules and Guidelines 2017*.



Release of Guidelines and call for Applications

Timing: 5 April 2019

At the same time as releasing these Guidelines, the Government will issue a call for applications from eligible applicants for funding under Round 5 of the Program.



Applicant registration

Timing: Registration due by 26 April 2019 (3 weeks after opening)

Organisations wishing to apply for funding under Round 5 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. Eligible organisations who registered under previous rounds and who are interested in participating in this round are required to register for Round 5 (previous registrations will not be valid for the purposes of this round).

Organisations can register their interest with the Department by emailing

MBSPRound5@communications.gov.au and providing the following information:

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

The Department will contact organisations that register their interest as potential applicants.

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 7, stage 6.



Pre-application documentation

Timing: Pre-application documentation due by 3 May 2019 (4 weeks after opening)

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

Each applicant must submit their publically available coverage maps (incorporating, where relevant, all base stations funded under previous rounds of the Program including Round 4, 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 26 July 2019 (16 weeks after opening)

The application documentation describes in detail the Program requirements, and outlines the terms and conditions under which Commonwealth funding is to be made available.

Each applicant must complete the Assessment Tool (AT) for each Proposed Solution for which it is seeking funding, specifying in each case the information set out in section 7.3.2.

The completed AT must include data on the level of coverage that each Proposed Solution will achieve in terms of area. For Macro 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 3.2.3. 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 3.2.3.

Applicants may seek all or part of up to \$80 million (GST exclusive) funding available through the Program.



Assessment of Applications

Timing: July—October 2019 (12 weeks)

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 5.

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 List provided to the Decision Maker.



Negotiation of Grant Agreements

Timing: July—October 2019

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 7, stage 5.

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.



Grantees advised of outcomes and funding arrangements finalised

Timing: October 2019

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.

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.

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.

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: October 2019

The locations of Funded Solutions and Grantees are expected to be announced by the Government in October 2019. The outcomes of this process and grant outcomes will be published on GrantConnect.



Colocation negotiations

Timing: from October 2019

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 3.2.9 to 3.2.20.



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.

1.1 About the Program

- 1.1.1 The Mobile Black Spot Program (the **Program**) will run over five funding rounds from 2014-2015 to 2021-2022, with service delivery commitments until 2032. The Program is the Australian Government's initiative to extend and improve mobile phone coverage and competition in regional and remote Australia.
- 1.1.2 The objective of the Program is to extend and improve mobile phone coverage and competition in regional and remote Australia.
- 1.1.3 The Department of Communications and the Arts (the **Department**) is responsible for administering the Program on behalf of the Government.
- 1.1.4 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. In March 2018, an additional 102 locations funded through the Priority Location round of the Program. In March 2019, the Government announced 180 successful locations were to receive funding under Round 4 of the Program.
- 1.1.5 The Program will be undertaken according to the *Commonwealth Grants Rules and Guidelines 2017* (CGRGs) <http://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines-July2014.pdf>.

1.2 About Round 5

- 1.2.1 These guidelines contain information for the Round 5 grants. The Government has allocated up to \$80 million (GST exclusive) to deliver Round 5 of the Program (**Round 5**).
- 1.2.2 The Round 5 Guidelines (these **Guidelines**) have been prepared following a review of previous rounds of the Program, and targeted consultation with industry stakeholders and State and Territory governments.
- 1.2.3 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 Round 5 of the Program.
- 1.2.4 These Guidelines aim to ensure Round 5 of the Program is delivered as efficiently, effectively and economically as possible and achieves value for money to the Commonwealth.
- 1.2.5 You **must** read this document before filling out an application.

1.3 Round 5 outcomes

- 1.3.1 The objectives of Round 5 of the Program are two-fold:
 - (a) to improve mobile coverage and competition in regional and remote Australia; and
 - (b) to improve mobile coverage at **Public Interest Premises** in regional and remote Australia.

2. Grant amount

Commonwealth funding

- 2.1 The Commonwealth has allocated up to \$80 million (GST exclusive) to Round 5 of the Program.
- 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 sections 5.8 to 5.11), that a higher Commonwealth co-contribution is merited, when compared to other Proposed Solutions recommended for funding under this round.

Applicant co-contribution

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

Third Party funding co-contributions

- 2.4 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.
- 2.5 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 e.g. specific roads, recreational areas, Public Interest Premises etc.
- 2.6 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.
- 2.7 The appropriate contact details for each State, Territory and local government, and **NBN Co**, are at [Appendix C](#). 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.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.

In-kind co-contributions

- 2.12 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 2.13.
- 2.13 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.
- 2.14 Third party 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. It is recommended that applicants undertake consultation with third parties in relation to potential financial and in-kind contributions. Interested third parties are also encouraged to contact applicants directly in relation to potential co-contributions.
- 2.15 Applicants are responsible for forming relationships and negotiating contributions with any relevant parties, and for testing or verifying any advice received from these parties.

3. Grant eligibility criteria

3.1 Who is eligible to apply for a grant?

- 3.1.1 To be eligible for funding under Round 5 of the Program, an applicant must be a Mobile Network Operator or a Mobile Network Infrastructure Provider.
- 3.1.2 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*.
- 3.1.3 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 3.2 for at least 10 years.
- 3.1.4 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.

3.2 Minimum requirements

- 3.2.1 Unless indicated otherwise in these Guidelines, this section 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 5.3, applications that do not meet the minimum requirements may, at the Department's absolute discretion, be excluded from further consideration.

Services required – Mobile Coverage

- 3.2.2 All Funded Solutions for mobile coverage must deliver new handheld mobile coverage and connectivity, to the location, as outlined in sections 4.1.1 and 4.1.2.
- 3.2.3 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 **Macrocell** Funded Solutions will be required to deliver mobile voice and broadband data services using **3G HSPA+** and **4G**;
 - (b) small cell Funded Solutions will be required to deliver mobile voice and broadband data services using 3G HSPA+ and/or 4G;
 - (c) proposed handheld coverage modelling for 3G HSPA+ and 4G must be based on outdoor Received Signal Code Power (RSCP) greater than -90 dBm for 3G HSPA+, at a 90 per cent confidence level for the cell area;
Note: 4G handheld coverage will be used as supplementary information to assist consideration of value for money.
 - (d) proposed external antenna coverage modelling for 3G HSPA+ and 4G must be based on outdoor RSCP greater than -107 dBm at a 90 per cent confidence level for the cell area (refer to section 7, stage 4);
Note: external antenna coverage will be used as supplementary information to assist the value for money consideration.
 - (e) all Macrocell Funded 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; and
 - (f) all other Funded 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.
- 3.2.4 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.
- 3.2.5 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.

Services required – Public Interest Premises

- 3.2.6 All Funded Solutions for Public Interest Premises must:
- (a) Deliver new coverage, to a Public Interest Premises, as outlined in sections 4.1.3 to 4.1.13; and
 - (b) Meet the requirements in section 3.2.3.
- 3.2.7 All Funded Solutions for Public Interest Premises will be required to deliver services in accordance with the relevant standards specified in the funded MNOs' carrier licence conditions, or under the *Telecommunications Act 1997* or both.
- 3.2.8 Grantees will be required to ensure that each Funded Solution delivers the required services to the nominated Public Interest Premises on a commercial basis for a minimum of ten years, commencing from the date when initial services commence being delivered from each Funded Solution.

Open access, co-location and co-build

- 3.2.9 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 3.2.11) that the Proposed Solution is unable to support an additional MNO.
- 3.2.10 When applying for funding under Round 5 of the Program, applicants will need to provide the costs of co-locating one or two MNOs for the technical specifications provided at 3.2.16 (a). It is recognised that the costing for co-locating two MNOs will be a best estimates costings. The two MNOs co-locating costing estimate should assume the two MNOs will select different configuration from the technical specification provided at 3.2.16 (a).
- 3.2.11 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.
- 3.2.12 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 3.2. 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.
- 3.2.13 For Funded Solutions where more than one MNO is interested in co-locating, the Commonwealth may consider contributing funding towards the costs that exceed the individual MNOs incremental costs for one of the configurations provided at 3.2.16(a).
- 3.2.14 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.
- 3.2.15 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**.

3.2.16 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 three 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 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		

(b) There is sufficient mains AC power provision to support the requirements of additional MNO equipment. This section 3.2.16(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.

3.2.17 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.

3.2.18 In accordance with the dispute resolution process outlined at sections 3.2.28 and 3.2.29 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 MNO's/MNIP's shared cost, and in accordance with the dispute resolution process.

3.2.19 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.

3.2.20 Following the process set out in sections 3.2.9 to 3.2.20, 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.

Backhaul access and pricing

- 3.2.21 Where an MNO selected to build a Funded Solution (the **Building MNO**) reaches an agreement under sections 3.2.9 to 3.2.20 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 3.2.22).
- 3.2.22 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.
- 3.2.23 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.
- 3.2.24 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.
- 3.2.25 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.
- 3.2.26 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.
- 3.2.27 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 sections 3.2.21 to 3.2.27.

Dispute resolution

- 3.2.28 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).
- 3.2.29 The Building MNO and Co-locating MNO will be bound by the determination made by the independent third party expert.

3.4 Additional services—Roaming

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

3.4 Other considerations

Addressing Public Interest Premises in Mobile Coverage Solutions

- 3.4.1 Strong consideration will be given to Proposed Solutions for mobile coverage that also capture one or more Public Interest Premises within the mobile coverage footprint area which will receive new handheld coverage (see sections 6.1 to 6.8).

Utilising NBN Co's fixed wireless network

- 3.4.2 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.
- 3.4.3 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.
- 3.4.4 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.
- 3.4.5 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).

4. Eligible grant activities

4.1 What can the grant money be used for?

Solution eligibility – Mobile Coverage

- 4.1.1 To be eligible for funding under the Program, each Proposed Solution for mobile coverage must:
- (a) Deliver new mobile coverage and connectivity – voice and data (see section 3.2.3) - to areas which do not currently receive **Handheld Coverage** from the applicant's network and which are not scheduled to receive new Handheld Coverage from a base station to be funded under previous rounds of the Program (see sections 7, stage 3 and 7.2).
- For convenience, MNOs and MNIPs may wish to refer to the Database of Reported Mobile Black Spot Locations for locations nominated by members of the public as having poor coverage. These locations are not definitive or exhaustive of possible locations that may

be considered as part of Proposed Solutions. Links to the database and the national map of reported black spots are available on the Department's website at:

www.communications.gov.au/mbsp.

- (b) Not be sited at a location identified on the applicant's 2019-20 to 2021-22 forward build network expansion or upgrade plans.
 - (c) Provide new mobile 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 more¹. The Department will provide map overlays showing Ineligible Areas to eligible applicants (upon request through the method in section 7, stage 2).
- 4.1.2 To the extent that the predicted coverage to be provided by a Proposed Solution for mobile coverage overlaps with existing Handheld Coverage from the mobile network of other MNOs, this overlapping portion of coverage will be weighted in the assessment of applications in accordance with the Assessment Criteria in sections 6.1 to 6.8. **External Antenna Coverage** may be considered in the overarching value for money assessment of applications.

Solution eligibility – Public Interest Premises

- 4.1.3 To be eligible for funding under Round 5 of the Program, each Proposed Solution for a Public Interest Premises must:
- (a) Meet the requirements in section 4.1.1; and
 - (b) Provide new mobile coverage to Public Interest Premises.
- 4.1.4 A Public Interest Premises is defined as a premises or location that the Program considers is used on a continuing basis for a public interest purpose, and which may include:
- (a) an economic centre;
 - (b) an emergency services facility*;
 - (c) a health facility*;
 - (d) an educational facility;
 - (e) an indigenous community organisation;
 - (f) a local government facility*; or
 - (g) a not-for-profit organisation.
- *Note:** Mobile solutions should not be utilised in the supply of life-critical systems.
- 4.1.5 In considering whether a local area is an **economic centre** the Program will take into account the following non-exhaustive factors:
- (a) Whether the local area or precinct generates substantial and significant economic activity for the community.
 - (b) Whether the local area or precinct is:
 - i. a tourist site;
 - ii. a transport hub;
 - iii. a park or wildlife facility;

¹ Australian Statistical Geography Standard (ASGS): Volume 4 - Significant Urban Areas, Urban Centres and Localities, Section of State, July 2016

- iv. a local business centre; or
 - v. a major industrial or major agricultural precinct.
- (c) Whether any other local area or precinct is an economic centre as determined by the **Decision Maker** on a case by case basis.
- 4.1.6 In considering whether a premises is an **emergency services facility** the Program will take into account the following non-exhaustive factors:
- (a) Whether the facility is:
 - i. an emergency services call centre or operations base;
 - ii. Public Safety Agency Facility;
 - iii. State Emergency Services;
 - iv. Voluntary Rescue Associations; or
 - v. a designated community emergency evacuation point.
 - (b) Whether any other facility is utilised for emergency services as determined by the Decision Maker on a case by case basis.
- 4.1.7 In considering whether a premises is a **health facility** the Program will take into account the following non-exhaustive factors:
- (a) Whether the organisation responsible for the premises is:
 - i. a general practice or medical centre;
 - ii. a specialist medical service or surgery;
 - iii. a community health centre;
 - iv. a hospital (to be determined on a case by case basis).
 - (b) Whether any other facility is a health facility as determined by the Decision Maker on a case by case basis.
 - (c) Whether the premises is a distinct place of business for the health facility such as a surgery. In some circumstances there may be multiple practitioners sharing the same surgery within the same health facility location.
- 4.1.8 In considering whether a premises is an **educational facility** the Program will take into account the following non-exhaustive factors:
- (a) Whether the organisation responsible for the premises is:
 - i. a privately or publically funded primary or secondary school;
 - ii. a privately or publically funded preschool or kindergarten facility;
 - iii. a school of the air;
 - iv. an adult registered training and education facility which provides ongoing services; or
 - v. any other facility that a Department of Education has determined or approved as a school.
 - (b) Whether any other facility is an educational facility as determined by the Decision Maker on a case by case basis.

- 4.1.9 In considering whether an organisation is an **Indigenous community organisation** the Program will take into account the following non-exhaustive factors:
- (a) Whether the organisation is:
 - i. a registered Indigenous corporation;
 - ii. an organisation recognised by the Commonwealth as an Indigenous community organisation;
 - iii. an Indigenous Community Council; or
 - iv. a non-Indigenous organisation or collective, with the stated intention of providing a service to members of an Indigenous community on a not-for-profit basis.
 - (b) Whether any other organisation is an Indigenous community organisation as determined by the Decision Maker on a case by case basis.
- 4.1.10 In considering whether a premises is a **local government facility** the Program will take into account the following non-exhaustive factors:
- (a) Whether the facility is:
 - i. a local government childcare centre;
 - ii. a library;
 - iii. a council office;
 - iv. a sport and recreation facility;
 - v. an Indigenous community facility operated by local government; or
 - vi. a community health centre or other care-related facility operated by local government.
 - (b) Whether any other facility is a local government facility as determined by the Decision Maker on a case by case basis.
 - (c) A local government facilities should be a distinct place of business operated by the local council. In some in circumstances there may be multiple community services provided by the same local government at the same premises.
- 4.1.11 In considering whether an organisation in a **not-for-profit organisation** the Program will take into account the following non-exhaustive factors:
- (a) Whether the organisation:
 - i. was formed for social recreational, educational, charitable, philanthropic or other lawful purposes, where any profit earned can only be applied for the purposes of the organisation as a whole and not distributed to individual members;
 - ii. is not associated with any Commonwealth, State, Territory or local government agency; and
 - iii. has a unique Australian Business Number; or
 - iv. has a unique work location set up in a manner that represents a distinct place of operation for the not-for-profit organisation.
 - (b) Whether any other organisation is a not-for-profit organisation as determined by the Decision Maker on a case by case basis.

- 4.1.12 The nomination of a Public Interest Premises to be considered for funding under the Program must be supported or endorsed through written evidence by the relevant oversight organisation and/or governing body.
- 4.1.13 In considering support or endorsement, the Department will take into account the extent to which the organisation represents the interest and/or has authority for the Public Interest Premises. For example, the nomination of a community emergency evacuation point will require formal endorsement by the relevant State department responsible for emergency services.

The Decision Maker may determine on a case by case basis whether the Public Interest Premise has appropriate support.

4.2 What the grant money cannot be used for?

- 4.2.1 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 current forward-build network expansion or upgrade plans as at the date of commencement of the application process.
- 4.2.2 The Department may audit a Grantee's compliance with section 4.2.1.

4.3 Eligible and ineligible expenditure

- 4.3.1 Commonwealth funding under this round will be available only for the estimated capital costs of building or installing 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.
- 4.3.2 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.

5. The grant selection process

Application completeness check

- 5.1 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 and that it meets the eligibility criteria contained in section 3. The Department may, at its absolute discretion, contact an applicant to request missing information.

Risk assessment

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

Initial assessment

- 5.3 Following confirmation that the applications are complete and the applicant meets the eligibility criteria, the assessment criteria in section 6 will be used by the Department to undertake the initial evaluation of applications received for Round 5 of the Program, including an assessment of whether the minimum requirements set out in section 3.2 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.
- 5.4 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 7.3.2(h)).
- 5.5 Following this review process, the Department will prepare a list including the Proposed Solution for each of the locations for which there is a mobile coverage issue, which best meets the assessment criteria in sections 6.1 to 6.6 (the **Mobile Coverage Draft Merit List**).
- 5.6 The Department will also prepare a list including the Proposed Solution for each of the Public Interest Premises for which there are mobile connectivity issues, which best meets the assessment criteria in sections 6.7 to 6.8 (the **Public Interest Premises Draft Merit List**).

Establish funding cut-off point

- 5.7 Of the maximum \$80 million (GST exclusive) in funding available:
- Approximately fifty per cent will be allocated towards funding Proposed Solutions from the Mobile Coverage Draft Merit List; and
 - Approximately fifty per cent will be allocated towards funding Proposed Solutions from the Public Interest Premises Draft Merit List.
- 5.8 If funding remains after all solutions are funded from the Mobile Coverage Draft Merit List, and unfunded Proposed Solutions remain on the Public Interest Premises Draft Merit List, then the Department may recommend that the unallocated funds be used to fund the Proposed Solutions on the Public Interest Premises Draft Merit List.
- 5.9 Correspondingly, if funding remains after all solutions are funded from the Public Interest Premises 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.

Value for money assessment

- 5.10 The Department will undertake an assessment of the value for money to the Commonwealth in achieving the government policy outcomes for Round 5 as described in section 1.3.1 for all Proposed Solutions to be recommended for funding using the processes, requirements and assessment criteria set out in these Guidelines.
- 5.11 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.

Terms of Grant Agreement

- 5.12 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 7, stage 5.

Merit List

- 5.13 The list of Proposed Solutions that the Department will recommend to be Funded Solutions when the process set out in this section 5 is completed is the **Merit List**. This incorporates both the Draft Mobile Coverage List and the Draft Public interest Premise List.
- 5.14 The Department will provide the Merit List to the Minister for Regional Services as the Decision Maker, including the assessment of the overall value for money to the Commonwealth in achieving the government policy outcomes for Round 5 as described in section 1.3.1 for each Proposed Solution recommended for funding.
- 5.15 In establishing the Merit List, the Department will exercise its own judgement having regard to the government policy outcomes for Round 5 as described in section 1.3.1 in determining if any changes to the Merit List are required to give best effect to the overall Program objectives regarding improved coverage and competition.

Use of satellite backhaul

- 5.16 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).
- 5.17 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.

6. The assessment criteria

Assessment Criteria

- 6.1 For each location, the Proposed Solution will be primarily assessed against a formula that derives the cost to the Commonwealth per weighted square kilometre of new handheld coverage. The Assessment Formula is:

$$\text{Cost to the Commonwealth (\$)}$$

$\text{New handheld coverage (km}^2\text{) + (overlap with other carriers' network (km}^2\text{) / weighting factor)}$

- 6.2 The Assessment Formula is based on the following components:
- (a) **A = Cost to the Commonwealth (\$)** refers to the Commonwealth portion of the estimated asset capital cost for the Proposed Solution for mobile coverage.
 - (b) **B = New handheld coverage (km²)** refers to the size (in square kilometres) of the mobile coverage footprint area which will receive new handheld coverage where there is no existing handheld coverage from any MNO. For all solutions, new handheld coverage will be measured by comparing the 3G handheld coverage provided by the solution against existing 3G handheld coverage. For Small Cell solutions that only offer 4G coverage, new

handheld coverage will be measured by comparing the 4G handheld coverage offered by the solution against existing 3G handheld coverage.

- (c) **C = Overlap with other carriers' network (km²) / weighting factor** refers to the size (in square kilometres) of the mobile coverage footprint area which will receive new handheld coverage and where there is overlap with existing handheld coverage from another MNO, divided by a weighting factor of two (2). For all solutions, overlapping coverage will be measured by comparing the 3G handheld coverage provided by the solution against existing 3G handheld coverage. For a Small Cell solution that only offer 4G coverage, overlapping coverage will be measured by comparing the 4G handheld coverage provided by the solution against existing 3G handheld coverage.

i.e.

A

B + (C/2)

- 6.3 The lower the cost to the Commonwealth per weighted kilometre of new handheld coverage, the higher the ranking for that Proposed Solution.
- 6.4 An overarching value for money assessment will also be undertaken to consider which of the Proposed Solutions for each location is most appropriate to recommend for funding, and will have regard to the overall Program objectives as well as the specific government policy outcomes for Round 5 as described in section 1.3.1.

Value for Money – Mobile Coverage Proposed Solutions

- 6.5 For a Mobile Coverage Proposed Solution, factors considered in the value for money assessment include, but are not limited to the:
- cost to the Commonwealth of the Proposed Solution
 - amount of new and overlapping handheld coverage (km²);
 - number of premises to receive new and overlapping handheld coverage;
 - amount of major rail and/or road transport routes to receive new and overlapping handheld coverage; and
 - new external antenna coverage (km²).
- 6.6 Based on the overarching value for money assessment, the Department reserves the right to recommend funding one or more Proposed Solutions for mobile coverage which were lower ranked against the Assessment Criteria than other Proposed Solutions within the Mobile Coverage Draft Merit List

Value for Money – Public Interest Premises Proposed Solutions

- 6.7 For a Public Interest Premises Proposed Solution, factors considered in the overall value for money assessment include, but are not limited to:
- cost to the Commonwealth of the Proposed Solution
 - amount of new and overlapping handheld coverage (km²);
 - number of premises to receive new and overlapping handheld coverage;
 - amount of major rail and/or road transport routes to receive new and overlapping handheld coverage; and
 - new external antenna coverage (km²).

- 6.8 Based on the overarching value for money assessment, the Department reserves the right to recommend funding one or more Proposed Solutions for Public Interest Premises which were lower ranked against the Assessment Criteria than other Proposed Solutions within the Public Interest Premises Draft Merit List.

7. The grant application process

Application process timing

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

Stage	Activity	Timing
1	<p>Release of Guidelines and call for Applications</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 5 of the Program.</p>	5 April 2019
2	<p>Applicant registration</p> <p>Organisations wishing to apply for funding under Round 5 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. Eligible organisations who registered under previous rounds and who are interested in participating in this round are required to register for Round 5 (Previous registrations will not be valid for the purposes of this round). Organisations can register their interest with the Department by emailing MBSPrround5@communications.gov.au and providing the following information:</p> <ul style="list-style-type: none"> (a) Organisation name; (b) Contact name; (c) Contact phone number; and (d) Contact email address. <p>The Department will contact organisations that register their interest as potential applicants.</p> <p>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 7, stage 6.</p>	Registration due by 26 April 2019 (3 weeks after opening)
3	<p>Pre-application documentation</p> <p>The application documentation outlines the requirements on potential applicants prior to submitting an application for funding.</p> <p>Each applicant must submit their publically available coverage maps (incorporating, where relevant, all base stations funded under previous rounds of the Program including, Round 4 and any base station funded under a State or Territory program regardless of the stage of construction) ahead of submitting their application for funding.</p>	Pre-application documentation due by 3 May 2019 (4 weeks after opening)

Stage	Activity	Timing
4	<p>Preparing and submitting applications</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 must complete the Assessment Tool (AT) for each Proposed Solution for which it is seeking funding, specifying in each case the information set out in section 7.3.2.</p> <p>The completed AT must include data on the level of coverage that each Proposed Solution will achieve in terms of area. For Macro 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 3.2.3. 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 3.2.3.</p> <p>Applicants may seek all or part of up to \$80 million (GST exclusive) funding available through the Program.</p>	Applications due by 26 July 2019 (16 weeks after opening)
5	<p>Assessment of Applications</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 5.</p> <p>An expert engineering firm in the mobile telecommunications industry, as appointed by the Department, will test coverage claims.</p> <p>The Proposed Solutions recommended for funding through the assessment process will be included on the Merit List provided to the Decision Maker.</p>	July – October 2019 (12 weeks)
6	<p>Negotiation of Grant Agreements</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 at section 7, stage 5.</p> <p>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.</p>	July – October 2019
7	<p>Grantees advised of outcomes and funding arrangements finalised</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>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.</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>	October 2019

Stage	Activity	Timing
8	<p>Grantees and locations announced</p> <p>The locations of Funded Solutions and Grantees are expected to be announced by the Government in October 2019. The outcomes of this process and grant outcomes will be published on GrantConnect.</p>	October 2019
9	<p>Co-location negotiations</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 section 3.2.9 to 3.2.20.</p>	From October 2019
10	<p>Date of Rollout Completion</p> <p>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.</p>	30 June 2022

7.1 Applicant registration

- 7.1.1 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 round.

7.2 Pre-application lodgement

- 7.2.1 MNOs who have registered as 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 4, and any site funded under a State or Territory program.
- 7.2.2 Existing coverage information required at section 7.2.1 must be submitted to the Department by no later than **5pm (Canberra time), Friday 3 May 2019**. The Department may, at its absolute discretion, accept mobile coverage information submitted by MNOs after this date.
- 7.2.3 The existing coverage information required in accordance with section 7.2.1 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 3.2.3.
- 7.2.4 Pre-application information can be submitted by either of the methods outlined at section 7.3.

7.3 Completing and lodging an application

- 7.3.1 Applications for funding must be lodged using the Application Pack provided at Appendix B of these Guidelines.
- 7.3.2 To seek funding under the Program, applicants must complete the Assessment Tool (AT) from the Application Pack to provide information for each Proposed Solution for which it is seeking funding, specifying in each case:
- the location;
 - the total estimated all-up capital cost of construction (GST inclusive), including, if required, Backhaul and power;
 - the amount of co-contribution (GST inclusive) being provided by the applicant;
 - the amount of Commonwealth co-contribution sought under the Program – capped at \$500 000 (GST inclusive) per Proposed Solution (subject to section 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; and
- (h) predictive coverage mapping data for each Mobile Coverage Proposed Solution (as per section 3.2.3).

Note: The applicant must agree that the predictive coverage mapping data supplied at section 7.3.2(h) can be used by the Department to prepare promotional material for the Program.

- 7.3.3 Applicants must also provide information about the Public Interest Premise for each associated Proposed Solution, which it is seeking funding specifying in each case:
- a) the location of the Public Interest Premise;
 - b) the type of Public Interest Premise as set out under 4.1.5 to 4.1.11;
 - c) the name of relevant organisation and/or governing body; and
 - d) any evidence and documentation of support.
- 7.3.4 In addition, applicants must warrant that none of the Proposed Solutions for which Commonwealth funds have been sought were part of their 2018-19 to 2020-22 forward-build network expansion or upgrade plans (see sections 4.1.1(b), 4.1.3(a), and 4.2.1).
- 7.3.5 Subject to section 7.3.4, applicants must indicate their compliance with the draft Grant Agreement (at Appendix A 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 drafting, their position and their reasons for requesting the change.
- 7.3.6 Applicants who have previously agreed a funding agreement with the Commonwealth under the Round 4 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 at Appendix 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 applicant's compliance statements and to develop the revision-marked version referenced above. Section 7, stage 6 contains further information about the timing for Grant Agreement negotiations.
- 7.3.6 Details for contacting the Department to seek clarification or assistance with any aspects of completing an application are at section 7.7 of these Guidelines.

- 7.3.7 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 5. Potential applicants may request to use alternative online secure document sharing systems by agreement with the Department.
- 7.3.8 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.
- 7.3.9 The Department may also accept applications via hard copy and/or physical electronic media, in addition to electronic applications (refer to sections 7.3.10 to 7.3.12).
- 7.3.10 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 GovTEAMS.
- 7.3.11 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.
- 7.3.12 Submissions provided in hard copy and physical electronic media formats should be delivered via registered post prior to the closing date (see sections 7.3.13 and 7.4.1).

Applications are to be addressed and delivered to:

Director, Mobile Black Spot Program (Round 5)
Department of Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

Submissions provided via hand delivery in hard copy and physical electronic media formats should be delivered prior to the closing date (see sections 7.3.13 and 7.4.1).

Applications are to be addressed and delivered to:

Director, Mobile Black Spot Program (Round 5)
Department of Communications and the Arts
2 Phillip Law Street
CANBERRA ACT 2601

- 7.3.13 The Department will acknowledge receipt of all applications by email to the nominated contact officer.

7.4 Closing date for funding applications

- 7.4.1 The closing date for submitting an application for funding under this round of the Program is **5.00pm (Canberra time), 26 July 2019**.

7.5 Late applications

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

7.6 Further information about the application

- 7.6.1 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.

7.7 Questions during the application process

- 7.7.1 All requests for clarification or determination of the meaning of provisions in these Guidelines should be referred to the Department by email at MBSRound5@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 the Department's website, where appropriate.
- 7.7.2 Answers to questions may be posted on GrantConnect.

8. Assessment and evaluation of grant applications

8.1 Who will assess and evaluate applications?

- 8.1.1 A specified Evaluation Committee will assess and evaluate each application on its merit.
- 8.1.2 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 Part 1, section 2.8 of the CGRGs.
- 8.1.3 The Evaluation Committee may seek information about you or your application. They may do this from within the Commonwealth, even if the sources are not nominated by you as referees. The Evaluation Committee may also consider information about you or your application that is available through the normal course of business.
- 8.1.4 If the selection process identifies unintentional errors in your application, you may be contacted to correct or explain the information.

8.2 Who will approve grants?

- 8.2.1 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 13, make any amendments the Decision Maker deems necessary.
- 8.2.2 The Department will prepare the list of Funded Solutions (**Decision Maker's List**) based on the requirements and advice from the Decision Maker.
- 8.2.3 The Decision Maker will have the final decision on all applications for funding.

9. Notification of application outcomes

You will be advised of the outcomes of your application in writing, following a decision by the Decision Maker. If you are successful, you will also be advised about any specific conditions attached to the grant.

If you are unsuccessful. We will notify you in writing and give you an opportunity to discuss the outcome.

9.1 Feedback on your application

- 9.1.1 If you are unsuccessful, you may ask for feedback from the Department within 14 days of being advised of the outcome. The Department will give written feedback within one month of feedback being requested.

10. Successful grant applications

10.1 The grant agreement

- 10.1.1 Each Grantee will be required to enter into a Grant Agreement with the Commonwealth prior to the Government's announcement of successful Grantees and locations to receive funding (see section 7 stage 7).
- 10.1.2 A draft Grant Agreement is at Appendix A of these Guidelines.
- 10.1.3 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.
- 10.1.4 For existing participants in the Program, the Commonwealth agrees that the basis for this round Grant Agreement could be the executed Round 4 agreements as more fully described in section 7.3.6.

10.2 Grant agreement variations

- 10.2.1 The Government reserves the right to terminate or vary Round 5 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.
- 10.2.2 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 the Department's website.
- 10.2.3 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 the Department's website and the revised Guidelines will be published on The Department's website.
- 10.2.4 Except to the extent to give effect to this in section 13, 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.

11. Announcement of grants

- 11.1 If successful, your grant will be listed on the GrantConnect website 21 calendar days after the date of effect as required by Section 5.3 of the CGRGs.

12. Delivery of grant activities

12.1 Your responsibilities

- 12.1.1 Grantees will meet the terms and conditions set out in the grant agreement.
- 12.1.2 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, which will subsequently form the basis of project progress reports.
- 12.1.3 Grantees will be required to maintain a publicly available online database for the construction phase of the Program, as specified in the Grant Agreements, which will include information regarding the status and progress of Funded Solutions.
- 12.1.4 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 will be included in the Funding Agreement and should cover:
- (a) Communication activities with relevant stakeholders including the local community, local councils, authorities responsible for funded Public Interest Premises solutions (e.g. educational authorities) and State and federal members of parliament.
 - (b) Communication of updates to the community regarding any changes to the rollout of the Funded Solution (e.g. timing, location, expected coverage outcomes).

12.2 The Department's responsibilities

- 12.2.1 The Department will:
- (a) Meet the terms and conditions set out in the grant agreement;
 - (b) Provide timely administration of the grant;
 - (c) Evaluate the grantee's performance.
- 12.2.2 We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

12.3 Grant payments and GST

- 12.3.1 Payments will be made as set out in the grant agreement.

12.4 Evaluation

- 12.4.1 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.
- 12.4.2 Grantees will be required to participate in Program reviews and evaluations.

13. Process Terms

13.1 Accountability and probity

- 13.1.1 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.
- 13.1.2 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:
- (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 2017*, 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).

13.2 Complaints process

- 13.2.1 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 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.
- 13.2.2 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
- 13.2.3 Applicants should note that the Commonwealth Ombudsman can only review the Program's assessment processes, not any specific funding decision, under the Program.

13.3 Costs

- 13.3.1 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.

13.4 Background checks

- 13.4.1 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.
- 13.4.2 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.

13.5 Confidentiality

- 13.5.1 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).
- 13.5.2 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; or
 - (g) in the public domain otherwise than due to a breach of the Department's confidentiality obligation.

- 13.5.3 The applicant will treat any information provided by the Department as confidential information provided that information is designated as confidential information. (**Commonwealth Confidential Information**).
- 13.5.4 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.
- 13.5.5 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.

13.6 Intellectual Property rights

- 13.6.1 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, or promotion of the Program.
- 13.6.2 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.

13.7 Privacy of individuals

- 13.7.1 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.
- 13.7.2 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).

13.8 Personal information to be collected by the Department

- 13.8.1 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.
- 13.8.2 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.

- 13.8.3 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.

13.9 Purpose for which the Department will use and disclose personal information

- 13.9.1 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.
- 13.9.2 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.
- 13.9.3 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 expect 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.

13.10 The Department's contact point for privacy matters

- 13.10.1 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
- 13.10.2 For further information about the Department's handling of personal information, contact the Department's Privacy Officer by sending an email to privacy@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
- 13.10.3 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.

13.11 Exclusion of liabilities

- 13.11.1 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.

13.12 Disclaimer

- 13.12.1 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.

13.13 Fraud prevention

- 13.13.1 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.
- 13.13.2 Giving false or misleading information is a serious offence under the *Commonwealth Criminal Code Act 1995*.

14. Consultation

- 14.1 The Department previously consulted the mobile network operators, states and territories and relevant federal agencies on the design of these guidelines which were used for Round 4.

15. 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 6.
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 12.1.2.
Broadband data services	Mobile broadband data services that permit end users to access internet and like services from their 3G HSPA+ or 4G mobile device.
Building MNO	Has the meaning given in section 3.2.21.
Co-locating MNO	Has the meaning given in section 3.2.21.
Confidential Information	Has the meaning given in section 13.5.1.
Date of Rollout Completion	Has the meaning given in section 7, stage 10.
Decision Maker	The Minister for Regional Services.
Decision Maker's List	Has the meaning given in section 8.2.2.
Department	Has the meaning given in section 1.1.3.
External Antenna Coverage	Coverage that can be obtained using an external antenna attached to a handheld mobile device, as determined in accordance with the publicly available mobile coverage maps from all MNOs, and the external antenna coverage that will be delivered under previous rounds of the Program, including Round 4, and any base station funded under a State or Territory program.
Funded Solution	Mobile network infrastructure selected for funding under Round 5 of 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	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 previous rounds of the Program, including Round 4 and any base station funded under a State or Territory 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.
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).
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 small or 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 5.5.
Mobile Network Infrastructure Provider or MNIP	Has the meaning given in section 3.1.3.
Mobile Network Operator or MNO	Has the meaning given in section 3.1.2.
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 ACN 136 533 741 ABN 86 136 533 741.
Program	Has the meaning given in section 1.1.1.
Proposed Solution	Infrastructure for which an applicant has sought funding under Round 5 of the Program.
Public Interest Premises	Has the meaning given in section 4.1.4.
Public Interest Premises Draft Merit List	Has the meaning given in section 5.6.
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.

Appendix A: Draft Grant Agreement

The Department will provide a draft Grant Agreement to organisations that have registered as an eligible applicant for funding under Round 5 of the Program. Information on registering as an eligible applicant is available at section 7, stage 2 of these Guidelines.

Appendix B: 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 round of the Program. Information on registering as a potential applicant is available at section 7, stage 2 of these Guidelines.

Appendix C: 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 round of the Program. Information on registering as a potential applicant is available at section 7, stage 2 of these Guidelines.