



Australian Government

Department of Communications

Mobile Black Spot Programme

Guidelines

Version 1.1

These Guidelines were released by the Department of Communications on 8 December 2014 to assist mobile network operators and mobile network infrastructure providers to prepare and submit proposals for funding under the Australian Government's Mobile Black Spot Programme.

Version History

Date	Version	Details
8 December 2014	1	Programme Guidelines released
22 December 2014	1.1	Application period extended and consequential changes

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1 Introduction

1.1 Mobile Black Spot Programme

- 1.1.1 Inadequate mobile phone coverage is a significant issue for many Australians, particularly those living, working and travelling in regional Australia. The 2011-12 Regional Telecommunications Review identified a lack of adequate mobile voice and broadband coverage as a major concern to regional communities.
- 1.1.2 The Mobile Black Spot Programme (the **Programme**) is the Australian Government's initiative to extend mobile phone coverage and competition in regional Australia. The Government will make available up to \$100 million over four financial years (2014-15 to 2017-18) to deliver the Programme.
- 1.1.3 The Department of Communications (the **Department**) is responsible for administering the Programme on behalf of the Government.
- 1.1.4 In December 2013, the Department released a discussion paper to obtain the views of stakeholders, including local communities, industry, State, Territory and local governments, businesses and other interested parties, on the best way to deliver the Programme.
- 1.1.5 Submissions to the December 2013 discussion paper, as well as extensive discussions with a range of stakeholders, have contributed to the development of the Programme and is reflected in these Mobile Black Spot Programme Guidelines (these **Guidelines**).

1.2 About these Guidelines

- 1.2.1 These Guidelines describe the operation of the Programme and include relevant information concerning:
- who is eligible to apply for funding
 - how to apply for the funding
 - how the funding will be allocated under the Programme
- 1.2.2 These Guidelines are divided into the following parts:
- **Part A:** Eligibility
 - **Part B:** Programme Requirements and Considerations
 - **Part C:** Application and Assessment
 - **Part D:** Programme Timing
 - **Part E:** Process Terms
 - **Part F:** Glossary
 - **Part G:** Attachments
- 1.2.3 The Guidelines aim to ensure the Programme is delivered as efficiently and effectively as possible, and achieve maximum value for money.

1.3 Application deadline

The closing date for submitting an application for funding under the Programme is **5.00pm Thursday 16 April 2015 (Canberra time)**.

1.4 Further information

Further information on the Programme is available on the Department of Communications website at www.communications.gov.au/mobile_coverage

Enquiries about the Programme can be made to the Department of Communications 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 Programme, an applicant must be a national Mobile Network Operator or a Mobile Network Infrastructure Provider.

2.1.2 For the purposes of the Programme, 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 Programme, a Mobile Network Infrastructure Provider (**MNIP**) means a company, other than a Mobile Network Operator, that provides communications infrastructure in Australia or overseas, including the installation and operation of infrastructure to be used by one or more Mobile Network Operators to provide public mobile telecommunications services.

2.1.4 MNOs and MNIPs may also apply jointly for funding through the Programme. 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 **Funding Agreement**.

2.2 Eligible locations

2.2.1 Between December 2013 and 1 August 2014, approximately 6,000 individual regional locations had been reported to the Department as having inadequate mobile phone coverage.

2.2.2 It will only be possible to address a portion of these reported locations through the Programme, and therefore it is very important that the areas of highest need are identified.

2.2.3 To be eligible for consideration for funding under the Programme, a new or upgraded **Proposed Base Station** must deliver improved mobile coverage to an area identified in the **Database of Reported Locations**.

2.2.4 The following areas will be ineligible under the Programme:

- (a) areas located within 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 to eligible applicants showing ineligible areas);
- (b) part of any MNO's existing **Handheld Coverage** area; or
- (c) an area that is part of the eligible applicant's existing three-year forward-build network coverage plans.

Note: The term 'Handheld Coverage' used in 2.2.4(b) has a different meaning to the handheld coverage modelling requirements specified at 4.2.3(b).

2.2.5 To the extent that a Proposed Base Station provides coverage to both eligible and ineligible areas, the ineligible portion of coverage will not be considered in the assessment of applications.

2.3 Existing network plans

2.3.1 To ensure that applicants do not seek Commonwealth funding for Proposed Base Stations where they have already planned to invest commercially, all applicants (including MNIPs) must provide the Commonwealth (in-confidence) with their network expansion plans (locations and costs) for 2014-15 to 2016-17, as well as information on the locations and costs of the mobile coverage improvements provided in the preceding three financial years.

2.3.2 Additionally, applicants must certify that any Proposed Base Stations for which Commonwealth funds are being sought were not at any time part of their 2014-15 to 2016-17 forward-build network expansion plans.

2.3.3 On request, applicants must also make this information available on an in-confidence basis to State/Territory governments.

2.3.4 The Department will monitor and reconcile current mobile coverage expansion plans of MNOs with the actual build in any future Commonwealth programme to expand mobile coverage. The Government will have regard to the extent to which the actual build of an MNO correlates with the network expansion plans provided to the Department by that MNO under the Programme.

Part B – Programme requirements and considerations

3 Funding Agreements

3.1 Introduction

- 3.1.1 Each **Funding Recipient** will be required to enter into a Funding Agreement with the Commonwealth.
- 3.1.2 A draft Funding Agreement is at Attachment A of these Guidelines.
- 3.1.3 Commonwealth funding under the Programme will be for the capital costs of building **Funded Base Stations** only. All operating costs for Funded Base Stations will be the responsibility of each Funding Recipient.

3.2 Co-contributions

- 3.2.1 All Funding Recipients will be required to make a substantial co-contribution to the capital costs of building each Funded Base Station.
- 3.2.2 As noted in section 5.1 below, the Department also expects that there will be contributions to the Programme from some State, Territory and local governments.
- 3.2.3 For Funded Base Stations that include a co-contribution from a State or Territory government, the Department expects that Funding Recipients will be required to enter into either a:
 - (a) Funding Agreement with the respective State or Territory government and the Commonwealth; or
 - (b) Funding Agreement with the Commonwealth and a separate agreement with the respective State or Territory government; or
 - (c) Funding Agreement with the Commonwealth and a separate agreement with a local government (who would have separate agreements with the respective State or Territory government).
- 3.2.4 For Funded Base Stations that include co-contributions from other third parties, a copy of the terms of the third parties' separate and binding commitment to the Funding Recipient is to be attached to the Funding Agreement prior to it being executed by the Commonwealth. Prior to agreeing any relevant third party terms, the Funding Recipient must, if required by the Department:
 - (a) provide a copy of the agreement to the Department; and
 - (b) consult with the Department on the agreement terms.

3.3 Programme evaluation

- 3.3.1 The Programme will be evaluated by the Department against key performance indicators (KPIs) as agreed with the Funding Recipient/s. The Department will use the KPIs to monitor, measure and report on progress, outputs, outcomes and benefits of the Programme.
- 3.3.2 Funding Recipients will be required to participate in Programme reviews and evaluations. Funding Recipients will need to establish baseline data for measuring project and Programme progress. This baseline data will be provided by the applicant in their application, which will subsequently form the basis of project progress reports.

4 Operational Agreements

4.1 Introduction

- 4.1.1 Each Funding Agreement will include operational agreements setting out the Funding Recipient's obligations in respect of the roll out, co-location and open access terms and service terms for each Funded Base Station.
- 4.1.2 The Department anticipates that the draft terms for these operational agreements will be released to applicants prior to commencement of Funding Agreement negotiations.
- 4.1.3 Unless indicated otherwise in these Guidelines, sections 4.2 to 4.5 (inclusive) set out the minimum requirements that Funding Recipients would need to comply with. These requirements will be reflected through the operational agreements which will be included as schedules to the Funding Agreement. Under section 7.3.2, applications that do not meet the minimum requirements may, at the Department's absolute discretion, be excluded from further consideration.
- 4.1.4 Section 4.6 sets out optional services which applicants may elect to include as part of their application.

4.2 Services required

- 4.2.1 All Funded Base Stations (including individual base stations within a **cluster**) must deliver improved mobile coverage and potential for competition to eligible location/s.
- 4.2.2 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.
- 4.2.3 To meet this expectation:
 - (a) all Funded Base Stations will be required to deliver mobile voice and broadband data services using at least **3G HSPA+** technology;

- (b) proposed handheld coverage modelling 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 a **MATPL** of 145 dB; and
 - (c) proposed **external antenna coverage** modelling must be based on outdoor RSCP greater than -111 dBm at a 90 per cent confidence level for the cell area, and a MATPL of 166 dB.
- 4.2.4 All Funded Base Stations will be required to deliver mobile services in accordance with the relevant standards specified in the funded MNOs' Carrier Licence Conditions and as specified under *the Telecommunications Act 1997*.
- 4.2.5 In addition, applicants may propose the use of specific technologies such as **Microcells** and **Picocells** to improve services for particular areas.
- 4.2.6 Funding Recipients will be required to deliver the mobile services specified in the Funding Agreement on a commercial basis for a minimum of ten years, commencing from when initial services commence to be delivered from each Proposed Base Station.

4.3 Open access and co-location

- 4.3.1 A key objective of the Programme is to maximise the choice of mobile service provider for consumers. To achieve this objective, applications for Proposed Base Stations where there is an expressed willingness from two or more MNOs to co-build and co-locate, or applications from an MNIP for Proposed Base Stations which two or more MNOs have committed to use, have been given weighting in the **Assessment Criteria**.
- 4.3.2 Once an MNO is selected to build a Funded Base Station, it must give other MNOs the opportunity to co-locate (and to participate in the design) using the specified process and timelines set out in the operational agreement.
- 4.3.3 For Proposed Base Stations 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. This opportunity relates to all the requirements necessary for co-location to efficiently occur, including (but not limited to) site space for housing equipment and access to power and **backhaul**.
- 4.3.4 For the purposes of Assessment Criterion 7(b), a Proposed Base Station must meet the following minimum specifications to be considered capable of supporting two or more MNOs:
- (a) The structure is of sufficient height and robustness for accommodating and supporting additional equipment required by additional MNO(s).
 - (b) There are sufficient mains AC power provisions to support the requirements of additional MNO equipment. This section 4.3.4(b) does not apply to solar powered sites, however solar powered sites must have sufficient space for the **Co-locating 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.

- 4.3.5 Funding Recipients and MNOs interested in co-locating on a Funded Base Station will have until the start of the detailed design stage for that Funded Base Station (and in any event at least two months from when the list of Funded Base Stations are announced) to negotiate in good faith with each other in relation to the Funded Base Station access and price terms and enter into commercial co-build arrangements with other MNOs. The capital contribution to be made by the co-locating parties in respect of a Funded Base Station must, at least, equal the incremental cost incurred by reason of provisioning co-location for that Funded Base Station.
- 4.3.6 In accordance with the dispute resolution process outlined at section 4.5 of these Guidelines, any disagreements regarding open access and co-location matters will be arbitrated by an independent third party, to be appointed at the MNOs/MNIPs' shared cost, and in accordance with the dispute resolution process.
- 4.3.7 For **Greenfield Sites**, co-location negotiations are to occur at the earliest possible opportunity after the successful sites are known (before the start of the detailed site design phase begins for an individual base station). It is accepted that in some circumstances it may not be possible for **Brownfield Sites** to be upgraded to meet this requirement. Brownfield Sites will be considered on a case-by-case basis in the assessment process.
- 4.3.8 These negotiations will be on the basis that net costs will be appropriately shared between MNOs and MNIPs (where applicable). However, the overall cost to the Commonwealth and third party co-contributors for each Funded Base Station is capped at the level agreed during the application and assessment process. If the actual cost of a Funded Base Station exceeds the estimated cost for that base station provided by the applicant under section 6.1.2, the difference between the actual cost and the estimated cost must be met by the applicant.
- 4.3.9 To continue to maximise co-build opportunities after Funding Agreements are signed, but before the detailed design phase has started for each Funded Base Station, Funding Recipients will be required to maintain a publicly available online database for the four year construction phase of the Programme, which includes information regarding the status and progress of Funded Base Stations. This information will include the Funded Base Station location, key build milestones, and expected go-live dates. The database will assist interested MNOs and other parties to progressively make informed decisions about co-locating equipment to deliver services where possible.
- 4.3.10 Following the process specified above whereby a successful applicant selected to build a Funded Base Station is required to test with other MNOs their intent to co-locate on the Funded Base Station and, if it is ascertained that there is no interest in co-building from another MNO or **NBN Co**, the Funding Recipient will not be required to design or build the site to allow for co-location.

4.4 Backhaul access and pricing

- 4.4.1 Where an MNO selected to build a Funded Base Station (the **Building MNO**) reaches an agreement under section 4.3 of these Guidelines for another MNO (the Co-locating MNO) to co-locate on the Funded Base Station, the Building MNO must sell backhaul to the Co-locating MNO if the Building MNO is in a position to do so.

- 4.4.2 The Building MNO will be taken to be in a position to sell backhaul to the Co-locating MNO if the Building MNO owns or controls an optical fibre which connects the Funded Base Station to the Building MNO's network.
- 4.4.3 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 Base Station, the applicant should clearly define the level of service to be provided.
- 4.4.4 The price at which the Building MNO sells backhaul to the Co-locating MNO must be determined in accordance with the principle that it is a price which is demonstrably less than a standard 'rate card' pricing for backhaul currently prevailing in the market, by at least a magnitude which is referable to the total amount received by the Building MNO in respect of a Funded Base Station, from the Commonwealth under the Programme, and from any third party under section 5.1 of these Guidelines (except to the extent that a third party expressly indicates in writing to the Commonwealth that it does not wish its contribution to be reflected in a reduced backhaul price charged by a Building MNO to a Co-locating MNO under this section 4.4.4.)
- 4.4.5 Where a Building MNO chooses to provide backhaul to a Funded Base Station 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 Base Station. This requirement does not apply to a Brownfield Site.
- 4.4.6 Where a Building MNO chooses to provide backhaul to a Funded Base Station using a microwave connection, the Building MNO must provide backhaul services to a Co-locating MNO over that microwave connection, unless:
- (a) the Funded Base Station is designed and built to allow the Co-locating MNO to install, operate and maintain its own microwave backhaul equipment on the Funded Base Station; and
 - (b) the Co-locating MNO is permitted to install, operate and maintain its own microwave backhaul equipment on the Funded Base Station.
- 4.4.7 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
- (a) in accordance with the principles set out in this section 4.4; and
 - (b) having regard to a starting principle that backhaul costs are shared equally between all MNOs using this service.

4.5 Dispute resolution

- 4.5.1 MNOs will be given the opportunity to appoint, at their own shared cost, an independent third party to arbitrate any disputes that may arise in relation to Funded Base Stations (for example disputes related to technical or pricing matters). Applicants should identify their preferred third party arbitrator at the time of application. If there

is disagreement on the selection of the independent third party, the matter will be referred to the Department for a decision on the appointment of the arbitrator.

- 4.5.2 The views of the independent third party arbitrator must be accepted. Contractual penalties will apply to an MNO that does not comply with this requirement.
- 4.5.3 In the event a Building MNO which is charging a Co-locating MNO for backhaul does not accept the pricing determined by the independent third party and charge the Co-locating MNO accordingly, that MNO will be liable to repay the Commonwealth the total amount it received from the Commonwealth in respect of that Funded Base Station.

4.6 Additional services

4G services

- 4.6.1 Additional weighting has been included in the Assessment Criteria for Proposed Base Stations that will deliver **4G services** in addition to the minimum 3G HSPA+ technology.

Roaming services

- 4.6.2 Additional weighting has been included in the Assessment Criteria for Proposed Base Stations for which MNOs offer to make inter-carrier roaming available to all MNOs (although this is not a mandatory requirement).
- 4.6.3 Such a Proposed Base Station will have the potential to deliver greater public benefit for the amount of public money contributed than a similar Proposed Base Station which does not support roaming, as it would provide coverage not just to customers of the MNO which owns and operates it, but also to customers of other MNOs.
- 4.6.4 In offering to make roaming available, applicants will agree to negotiate with the other MNOs on reasonable terms and conditions and implement such arrangements within a reasonable timeframe from entering into negotiations.

5 Other considerations

5.1 Third-party co-contributions

- 5.1.1 Of the \$100 million allocated to this Programme by the Commonwealth, \$20 million will be reserved for the construction of Funded Base Stations which address specific local issues and have a co-contribution (cash or in-kind) from State, Territory or local governments, local communities or other contributing third-parties.
- 5.1.2 In addition to a financial (cash) co-contribution, third parties will also be able to provide in-kind co-contributions (or a combination of both). The local governments that have to date indicated an intention to make a co-contribution, are identified at Attachment B.
- 5.1.3 In-kind contributions which could potentially be provided by local governments and/or communities 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
 - (f) access to existing infrastructure
- 5.1.4 During the application process, 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 Base Stations. Where applicants can confirm the level of co-contribution 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 Base Station.
- 5.1.5 The appropriate contact details for each State and Territory 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.
- 5.1.6 Where a co-contribution is to be 'in-kind', applicants must agree on a monetary value for this co-contribution with the co-contributor, including how this monetary estimate was determined. Independent advice on this estimate may be sought by the Department. Commitments to co-contribute will only be taken up for Funded Base Stations selected as part of the assessment process. In-kind capital costs will be given weighting in the assessment process. In-kind concessional lease costs are the only operational cost that will be given weighting in the assessment process and must be monetised using a net present value calculation with a discount rate equivalent to the 10-year Treasury Bond rate. The total monetised value of in-kind contributions for any individual base station is capped at \$50,000.
- 5.1.7 Many State, Territory and local governments own infrastructure in regional Australia that could potentially be used for some Funded Base Stations. These governments may have specific requirements that will need to be reflected in the bids put forward by applicants, particularly where these governments propose to make co-contributions. These requirements should be reflected in applications for each Proposed Base Station.

5.2 MP priority locations

- 5.2.1 Many Federal Members of Parliament (MPs) whose electorates include eligible areas will have information regarding the specific local issues and the locations within their electorates that are in greatest need of mobile coverage.
- 5.2.2 Accordingly, those Federal MPs who represent electorates where less than 50 per cent of the electorate area is defined by the Australian Bureau of Statistics as part of a Major Urban Centre with a population of 100,000 or more, and which are not designated by the Australian Electoral Commission as 'Inner Metropolitan', have been invited to nominate up to three priority locations within their electorates to be considered for funding under the Programme. Nominated priority locations must not be within such Major Urban Centres.

5.2.3 As part of the assessment process to determine which Proposed Base Stations are recommended for funding under the Programme, the Assessment Criteria includes five points being awarded to each Proposed Base Station delivering services to an MP priority location.

5.3 Utilising NBN Co's fixed wireless network

- 5.3.1 In some circumstances actual or planned **National Broadband Network (NBN)** facilities may offer applicants an opportunity to provide coverage in a location more cheaply 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 Base Station 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.
- 5.3.2 NBN Co has established a contact point for applicants to discuss possible opportunities for co-location of equipment and possible joint participation in the Programme (see Attachment D).
- 5.3.3 Applicants are strongly encouraged to consult with NBN Co to identify all possible opportunities to achieve mutually beneficial outcomes via the use of NBN network facilities.
- 5.3.4 Should mutually suitable locations be identified, the potential applicant (or applicants) should reach agreement with NBN Co on the planned use of NBN facilities. Such an arrangement should be specified in the application for funding.
- 5.3.5 Alternatively, where the Proposed Base Station 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 Base Station to be built will be of use to both NBN Co and the applicant).

Part C – Application and Assessment

6 Application process

6.1 Completing and lodging an application

- 6.1.1 Applications for funding must be lodged using the Application Pack provided at Attachment C of these Guidelines.
- 6.1.2 To seek funding under the Programme, applicants must provide information for each Proposed Base Station for which it is seeking funding, specifying in each case:
- (a) the location;
 - (b) the year in which it is proposed to be built;
 - (c) the total estimated all-up capital cost of construction (including backhaul and power);
 - (d) the amount of co-contribution (cash and/or in-kind) being provided by the applicant;
 - (e) the amount of Commonwealth co-contribution sought under the Programme – capped at \$500,000 per Proposed Base Station (subject to section 7.3.14);
 - (f) the amount (if any) of co-contributions (cash and/or in-kind) to be received from third parties such as State, Territory or local governments, local communities and NBN Co and any specific requirements or conditions tied to such co-contributions;
 - (g) the extent to which it meets the Assessment Criteria; and
 - (h) the applicant’s network expansion plans in accordance with section 2.3.
- 6.1.3 Details for contacting the Department to seek assistance with completing an application are at section 1.4 of these Guidelines.
- 6.1.4 Applications can be lodged using Govdex, the Australian Government’s secure online document sharing and project management system. Applicants should contact the Department for information about lodging applications using Govdex (refer to section 1.4).
- 6.1.5 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.
- 6.1.6 The Department may also accept applications via hard copy and/or physical electronic media, in addition to electronic applications (refer to sections 6.1.7 and 6.1.8).
- 6.1.7 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’.

- 6.1.8 Where physical electronic media is to be provided, such as CD-ROM or DVD-ROM, the media must be PC-formatted. Applicants should include an index of all electronic documents on the CD-ROM or DVD-ROM. In addition, the Department should also be provided with a separate PDF version of all printable material.
- 6.1.9 Submissions provided in either hard copy or physical electronic media formats should be delivered via registered post or by hand prior to the closing date (refer to section 6.2.1).
- 6.1.10 Applications are to be addressed and delivered to:

Director, Mobile Black Spot Programme
Department of Communications
38 Sydney Avenue, Forrest
CANBERRA ACT 2615

- 6.1.11 The Department will acknowledge receipt of all applications by email.

6.2 Closing date

- 6.2.1 The closing date for submitting an application for funding under the Programme is **5.00pm Thursday 16 April 2015** (Canberra time).

6.3 Late applications

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

6.4 Further information about the application

- 6.4.1 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 Assessment process

7.1 Initial eligibility check

- 7.1.1 Following the closing date for applications, the Department will undertake an initial check to ensure each application complies with the eligibility requirements set out in section 2 of these Guidelines. The Department may at its discretion contact an applicant to request missing information.
- 7.1.2 Applications that do not meet the eligibility requirements may, at the Department's absolute discretion, be excluded from further consideration.

7.2 Risk assessment

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

7.3 Initial assessment

- 7.3.1 The Assessment Criteria will be used by the Department to undertake the initial evaluation of applications received for the Programme, including an assessment of whether the minimum requirements set out in section 4 of these Guidelines have been satisfied.
- 7.3.2 Applications that do not meet the minimum requirements may, at the Department's absolute discretion, be excluded from further consideration. In addition, the Department will review each Proposed Base Station against the Assessment Criteria, and will assign a points score to each based on the application of the Assessment Criteria. Applicants must provide evidence to back up claims made against each criterion, including mapping data on coverage claims in a format required by the Department.
- 7.3.3 Following this review process, the Department will prepare a list of all Proposed Base Stations, from all applicants, ranked in order from the Proposed Base Station with the highest score to the Proposed Base Station with the lowest score (**Draft Merit List**).

Establish funding cut-off point

- 7.3.4 The Department will review the Draft Merit List and establish a cut-off point in the order of the Draft Merit List, being the point at which the available Commonwealth funding is expected to be exhausted.

Application of equitable distribution principles

- 7.3.5 To allow for an equitable distribution of Funded Base Stations under the Programme across Australia, the Department will have regard to the principles set out in sections 7.3.6 to 7.3.10 (inclusive).

Principle 1: Equal distribution across States and the Northern Territory

- 7.3.6 Subject to section 7.3.7, the Department will ensure that at least ten Proposed Base Stations are recommended for each of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; and at least five base stations are recommended for the Northern Territory (assuming sufficient eligible applications are received for Proposed Base Stations located in these States or the Northern Territory, as applicable).
- 7.3.7 The Department may recommend that the number of Funded Base Stations in a State or the Northern Territory be less than the minimum specified in section 7.3.6, if it considers that the Proposed Base Stations for the respective jurisdictions do not represent value for money to the Commonwealth.

Principle 2: Equal distribution within States and the Northern Territory

- 7.3.8 The Department will ensure, subject to receipt of a valid application for a Proposed Base Station in the electorate, that funding is recommended for at least one Proposed Base Station in each eligible Federal electorate.
- 7.3.9 Electorates eligible under the Programme are those which have less than 50 per cent of the electorate area as part of a Major Urban Centre (defined by the Australian Bureau of Statistics) with a population of 100,000 or more, and which are not designated by the Australian Electoral Commission as 'Inner Metropolitan'.
- 7.3.10 The Department may recommend that section 7.3.8 above not be applied to an eligible electorate if it considers that the Proposed Base Station for the respective electorate does not represent value for money to the Commonwealth.

Principle 3: Addressing specific local issues

- 7.3.11 Subject to section 7.3.12, the Department will ensure that \$20 million of Programme funding is recommended for Proposed Base Stations which address specific local issues and have a co-contribution (cash or in-kind) from State, Territory or local governments, local communities or other contributing third parties, in accordance with section 5.1.1.
- 7.3.12 In the event that there are insufficient Proposed Base Stations to give effect to section 5.1.1 and section 7.3.11, and as a consequence the total amount allocated in accordance with section 7.3.11 is less than \$20 million, the Department will recommend that the balance of the \$20 million of Programme funding allocated to address specific local issues be allocated to fund Proposed Base Stations which have been nominated by an MP (as contemplated by Assessment Criterion 3), with the funding to be allocated first to the next highest ranking nominated Proposed Base Station, then to the following highest ranking nominated Proposed Base Station, and so on, until the sum of funding allocated under sections 5.1.1 and 7.3.11, and this section 7.3.12, is equal to, or greater than \$20 million.
- 7.3.13 The Department may recommend that section 7.3.12 not be applied in respect of a Proposed Base Station which would otherwise be funded under section 7.3.12 if it considers that the Proposed Base Station does not represent value for money to the Commonwealth.

Principle 4: Cap adjustment

- 7.3.14 In ensuring there are a sufficient number of Proposed Base Stations recommended for funding under sections 7.3.6 and 7.3.8 or if not all of the Commonwealth's \$100 million is allocated, the Department may recommend an increase in the level of Commonwealth funding per Proposed Base Station above the \$500,000 cap.

Principle 5: Multiple nominations

- 7.3.15 If two or more applicants nominate a Proposed Base Station for the same (or very similar) location, the Department will recommend funding for only the highest ranked Proposed Base Station for that location.

Merit List

- 7.3.16 The list of Proposed Base Stations that the Department will recommend to be Funded Base Stations when the process set out in this section 7 is completed is the **Merit List**.
- 7.3.17 Subject to section 7.3.3, the Department will provide the Merit List to the Parliamentary Secretary to the Minister for Communications for review, as part of his responsibility for implementing the Programme, and subsequently to the **Decision Maker**.
- 7.3.18 In establishing the Merit List, the Department will exercise its own judgement in determining if any changes are required to apply the equitable principles set out in sections 7.3.6 to 7.3.10 (inclusive), and give best effect to the overall Programme objectives regarding improved coverage and competition.

7.4 Clusters of Proposed Base Stations

- 7.4.1 An applicant may specify that two or more (to a maximum of ten) Proposed Base Stations form part of a cluster. The Department will consider proposals to cluster Proposed Base Stations and recommend whether a proposed cluster should be assessed accordingly.
- 7.4.2 If so, the points score for each individual Proposed Base Station in the cluster is to be determined; an average points score for all of the Proposed Base Stations in the cluster is to be calculated; and the average is to be used in determining the placement of each of the Proposed Base Stations in the Merit List.

7.5 Use of satellite backhaul

- 7.5.1 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).
- 7.5.2 In the event that 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.

8 Assessment Criteria

Each Proposed Base Station (or cluster of Proposed Base Stations) will be assessed against the following Assessment Criteria:

1. New coverage (score out of 10)

- (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 (score out of 6, where one point is awarded for every 200 square kilometres of new handheld coverage, rounded to the nearest 200 square kilometres).

- (b) The size (in square kilometres) of the mobile coverage footprint area which will receive new external antenna coverage where previously there was no coverage at all from any MNO (score out of 3, where one point is awarded for every 400 square kilometres of new external antenna coverage, rounded to the nearest 400 square kilometres).
- (c) The size (in square kilometres) of the mobile coverage footprint area currently receiving External Antenna Coverage from any MNO which will receive new handheld coverage (score of 1, if an area greater than 100 square kilometres which currently receives External Antenna Coverage will receive handheld coverage, rounded to the nearest 100 square kilometres).

2. Coverage benefit (uncapped score)

- (a) The number of premises located within the new handheld coverage footprint as assessed by the Department using G-NAF version 2014.05 (one point will be awarded for every three premises which previously received no Handheld Coverage that now receive handheld coverage).
- (b) The length of major transport routes, including national or State highways and arterial roads assessed by the Department using StreetPro Display version 2014.04 (based on PSMA Australia Limited's Transport and Topography dataset and passenger rail corridors, within the new handheld coverage and external antenna coverage (in kilometres) (one point awarded for every five kilometres covered, rounded to the nearest five kilometres).

3. Member of Parliament priority (score of 5)

- (a) Each Proposed Base Station (or single Proposed Base Station within a cluster) will be assessed according to whether it has been identified as a priority location by a Federal Member of Parliament (MP) who represents an eligible electorate.
- (b) MPs representing eligible electorates have been asked to nominate up to three priority locations, with each Proposed Base Station delivering services to a priority location being awarded five points.

4. Co-contributions (uncapped score)

- (a) The amount of cash co-contribution being provided by the applicant or consortium of applicants (one point will be awarded or deducted for every \$10,000 co-contribution above or below 50 per cent of the total estimated capital cost of the Proposed Base Station).
- (b) The amount of cash co-contribution being provided by the relevant State, Territory and/or local government or other third party (one point will be awarded for every \$10,000 co-contribution). Applicants will need to consult with the relevant State, Territory and/or local government or other third party to determine and secure their level of co-contribution for each Proposed Base Station.
- (c) The amount of in-kind co-contribution being provided by the relevant State, Territory and/or local government or other third party (one point will be awarded for every \$10,000 co-contribution up to a maximum of \$50,000, consistent with

section 5.1.6). Applicants will need to consult with the relevant State, Territory and/or local government or other third party to determine and secure their level of co contribution for each Proposed Base Station.

Note: The monetary value of in-kind contributions will need to be agreed by the applicant and relevant third party, and may be subject to an independent valuation.

5. Cost to the Commonwealth (score out of 50)

- (a) The net cost to the Commonwealth of each Proposed Base Station (from a maximum of 50 points, one point will be deducted for every \$10,000 cost to the Commonwealth).

Note: The maximum Commonwealth co-contribution to be provided for each Proposed Base Station is \$500,000 (unless the Department considers that a higher Commonwealth co-contribution is merited in order to achieve the minimum number of Proposed Base Stations per State and Territory or eligible electorate as specified at sections 7.3.6 and 7.3.8 respectively of these Guidelines).

6. Service offering (score out of 15)

- (a) The service offered from the Proposed Base Station in addition to the mandatory 3G HSPA+ technology (two points will be awarded if there is a commitment to upgrade the Proposed Base Station to a 4G service within four years of it being built, and five points will be awarded to base stations which propose to provide both 3G HSPA+ technology and 4G services from the outset).
- (b) Ten points will be awarded to base stations where roaming services are offered to all MNOs (that is, services which would allow customers of any Australian MNO other than the MNO which operates that base station, to receive services from that base station).

7. Commitment of use (score out of 20)

- (a) The number of MNOs, in addition to the MNO proposing to build the Proposed Base Station, that have committed to utilising the Proposed Base Station/s to deliver the specified services on a commercial basis for a minimum of ten years (ten points will be awarded per additional MNO).
- (b) In the event that there is not a commitment from additional MNOs to utilise the Proposed Base Station, applicants will be awarded ten points if the Proposed Base Station will be capable of supporting one or more additional MNOs in the future (as defined at section 4.3.4).

Note: For MNIP applicants, commitment must have been obtained from at least one MNO to utilise the Proposed Base Station/s to deliver the specified services on a commercial basis for a minimum of ten years. Additional weighting will be given to Proposed Base Stations (or groups of base stations) where more than one MNO has agreed to deliver the services.

9 Decision on funding

- 9.1 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 Parliamentary Secretary to the Minister for Communications, the Department and/or relevant experts; and
 - (c) subject to section 12, make such amendments as the Decision Maker deems necessary.
- 9.2 The Decision Maker will prepare the list of Funded Base Stations (**Decision Maker's List**).
- 9.3 The Decision Maker will have the final decision on all applications for funding.

10 Review of decision

- 10.1 An applicant wishing to seek a review of the decision relating to its application for the Programme 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.
- 10.2 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
- 10.3 Applicants should note that the Commonwealth Ombudsman can only review the Programme's assessment processes and not in relation to any specific funding decision under the Programme.

Part D – Programme timing

11 Key Programme stages and timing

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

11.1 Stage 1 – Release of Guidelines and call for Applications

Timing: 8 December 2014

- 11.1.1 At the same time as releasing these Guidelines, the Government issued a call for applications for funding proposals from eligible MNOs and MNIPs (or consortia of both) for the Programme.
- 11.1.2 The call for applications includes a list of eligible locations which have been reported to the Department between December 2013 and 1 August 2014 as having poor or non-existent mobile coverage. MNOs and MNIPs must use this list of locations to identify areas they wish to include in their funding proposals.

11.2 Stage 2 – Preparing and submitting applications

Timing: Applications due by 16 April 2015

- 11.2.1 The application documentation describes in detail the Programme requirements, and outlines the terms and conditions under which Commonwealth funding is to be made available.
- 11.2.2 Each applicant must provide a list of Proposed Base Stations for which it is seeking funding, specifying in each case the information set out in section 6.1.2.
- 11.2.3 Each applicant must provide data on the level of coverage that each Proposed Base Station will achieve in terms of area. Mapping data must be provided to indicate the area to be covered by handheld coverage and external antenna coverage meeting the required service standards compared to current coverage in the area. The application should also indicate the length of additional coverage of major transport routes (via external antenna coverage) and additional premises covered (via handheld coverage).
- 11.2.4 An expert engineering firm appointed by the Department will test coverage claims.
- 11.2.5 Applicants may seek all or part of the total \$100 million funding available through the Programme.

11.3 Stage 3 – Assessment of Applications

Timing: April–May 2015

- 11.3.1 The Department will assess all eligible applications received by the closing date/time to determine which Proposed Base Stations are to be recommended for Programme funding using the processes outlined in section 7.

11.4 Stage 4 – Funding recipients and locations announced

Timing: June 2015

- 11.4.1 The Proposed Base Stations selected through the process described above will be recommended for funding to the Decision Maker.

11.5 Stage 5 – Co-build negotiation period

Timing: Two month negotiation period from June–July 2015

- 11.5.1 The Decision Maker’s List will be notified to all applicants and other relevant stakeholders. A two-month period will then begin to allow co-build negotiations to commence.

11.6 Stage 6 – Funding arrangements finalised

Timing: Contract negotiations begin June 2015

- 11.6.1 To receive funding, approved applicants must enter into a legally binding Funding Agreement with the Commonwealth. Negotiations will initially take place with the Funding Recipients for each base station (or group of base stations) included on the Decision Maker’s List. Where base stations include financial co-contributions from State or Territory governments, these negotiations will be on a tripartite basis.
- 11.6.2 A draft Funding Agreement is at Attachment A of these Guidelines. Applicants will need to complete a statement of compliance with the draft Funding Agreement as part of their application.
- 11.6.3 The outcomes of the first five stages will be integrated into the Funding Agreement, with grant payments linked to the successful achievement of specified project milestones, including agreed reporting requirements.
- 11.6.4 Once a Funding Agreement has been executed by the Department (and State, Territory or local government where relevant), the Funding Recipient’s participation in the Programme becomes effective from the date of commencement nominated in the Funding Agreement. Shortly after execution of the Funding Agreement, the Funding Recipient’s details will be available on the Department’s website in accordance with the Commonwealth’s grant reporting requirements.
- 11.6.5 If negotiations cannot be satisfactorily concluded for a Funded Base Station on the Decision Maker’s List, (for example due to planning or development approval not being obtained), this Funded Base Station may be removed from the Decision Maker’s List. If a Funded Base Station is removed from the Decision Maker’s List, the Decision Maker

may select an additional Proposed Base Station, commencing with the next highest ranked Proposed Base Station on the Decision Maker's List that can be funded as a result of the removal of that Funded Base Station from the Decision Maker's List.

11.7 Stage 7 – Project commences

- 11.7.1 Allowing for the lead times of construction and planning, the Government expects the first Funded Base Stations to be built, and services commence, in the second half of 2015.
- 11.7.2 If Funding Agreement negotiations fail, or if after a Funding Agreement is signed, the Funding Recipient fails to start constructing or complete a Funded Base Station within three months of the agreed milestones, the Decision Maker may terminate the Funding Agreement relating to that particular Funded Base Station and commence negotiations with proponents of the next highest ranked Proposed Base Station on the Decision Maker's List that can be funded as a result of the termination of that Funded Base Station.

Part E – Additional information

12 Process Terms

12.1 Accountability and probity

- 12.1.1 The Department is committed to ensuring that the process for selecting and approving Funded Base Stations under the Programme is fair and in accordance with the Guidelines.
- 12.1.2 The Department, as a non-corporate Commonwealth entity under *the Public Governance, Performance and Accountability Act 2013* (Cth) (the PGPA), in relation to its investment in the Programme, 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; and
 - (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).

12.2 Costs

- 12.2.1 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 Funding Agreement and of other documentation.

12.3 Right to vary the Programme

- 12.3.1 The Government reserves the right to abort or vary the Programme (including via variation of these Guidelines) at its discretion, at any time, for any reason, including without limitation, in light of changes to Government policy.
- 12.3.2 In the event that 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 by the Department on its website.

- 12.3.3 In the event that 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 Programme 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, applicants will be notified and the revised Guidelines will be published on the Department's website.
- 12.3.4 Except to the extent to give effect to this Part E of the Guidelines, an organisation submitting an application acknowledges that neither the Guidelines, nor any application, give rise to a binding agreement or any other arrangement or legal relationship between the applicant and the Commonwealth. There is no binding agreement on any party until a Funding Agreement is executed by the Commonwealth and the Funding Recipient(s).

12.4 Clarifications

- 12.4.1 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 the Department's website, where appropriate.

12.5 Background checks

- 12.5.1 Applicants should ensure that, where appropriate, personnel involved in the Programme 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.
- 12.5.2 The Department may undertake checks on organisations submitting an application for the Programme (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.
- 12.5.3 In addition, when making a decision to recommend funding, the Department may take into account any debts that the organisation(s) has accrued to the Department or other Government agencies.
- 12.5.4 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
- (g) any other appropriate organisation or person reasonably required as part of these checks.

12.5.5 Applicants must include full corporate and ownership details of the entity seeking funding.

12.6 Confidentiality

12.6.1 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).

12.6.2 The Department's confidentiality obligation does not apply to the extent any Applicant Confidential Information that 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 Funding Agreement negotiation;
- (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 Parliamentary Secretary, 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 Programme; and
- (g) in the public domain otherwise than due to a breach of the Department's confidentiality obligation.

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

12.6.4 The applicant's confidentiality obligation does not apply to the extent any Commonwealth Confidential Information that 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.

- 12.6.5 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 Base Station(s), including costings for Proposed Base Stations that are not successful in receiving funding through the Programme.

12.7 Intellectual Property rights

- 12.7.1 By submitting an application under the Programme, 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, communicate and exploit the applicant's Intellectual Property contained in its application under the Programme provided it is in connection with any assessment processes under, or the evaluation of, the Programme.

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

12.8 Privacy of individuals

- 12.8.1 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.

- 12.8.2 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 Programme or contact the Department's Client Service Manager (see details below).

12.9 Personal information to be collected by the Department

- 12.9.1 The Department may collect personal information in the applicant's application and this may include names, contact details and other personal information, which the applicant has supplied to the Department in its application under the Programme.

- 12.9.2 By providing the Department with personal information in the applicant's application under the Programme, the applicant consents to the Department collecting, using and disclosing that personal information in accordance with these Guidelines.

- 12.9.3 If the applicant does not consent to the Department's collection, use and disclosure of the personal information contained in its application under the Programme, in accordance with these Guidelines, this may mean that the Department may not be able to progress or assess the application further for funding under the Programme.

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

- 12.10.1 The Department may collect personal information from the applicant contained in its application for the purpose of carrying out the activities and functions of the Department related to the Programme. In order to carry out its functions and activities connected to the Programme, the Department may use the collected personal information for the purpose of any assessment processes under, or the evaluation of, the Programme.
- 12.10.2 Further, in order to carrying out its functions and activities connected to the Programme, the Department may also disclose the collected personal information to other Commonwealth, State or Territory agencies.
- 12.10.3 The Department will use the personal information collected from the applicant for the primary purpose 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.

12.11 Department's contact point for privacy matters

- 12.11.1 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
- 12.11.2 For further information about the Department's handling of personal information, contact the Department's Client Service Manager by sending an email to clientservice@communications.gov.au or by writing to the Department at the following address:
- Client Service Manager
Department of Communications
GPO Box 2154
CANBERRA ACT 2601
- 12.11.3 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

12.12 Exclusion of liabilities

12.12.1 The Department is not liable to applicants on the basis of 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.

12.13 Disclaimer

12.13.1 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.

12.14 Fraud prevention

12.14.1 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.

12.14.2 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 Service	Fourth generation mobile telecommunications service.
Assessment Criteria	The assessment criteria the Department will use to assess applications as set out in section 8.
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.
Brownfield Site	An existing site where available infrastructure (such as a tower, building, structure, etc) can be utilised to locate equipment required to deliver mobile services.
Building MNO	Has the meaning given in section 4.4.1.
Cluster	A group of two or more (to a maximum of ten) Proposed Base Stations for which the applicant considers there are economic and/or network design benefits from treating the sites as a single proposal.
Co-locating MNO	Has the meaning given in section 4.4.1.
Confidential Information	Has the meaning given in section 12.6.1.
Database of Reported Locations	The database from which eligible applicants must select the locations for which they intend to apply for funding under the Programme.
Decision Maker	The Minister for Communications.
Decision Maker’s List	Has the meaning given in section 9.2.
Department	Has the meaning given in section 1.1.3.
Draft Merit List	Has the meaning given in section 7.3.3.
External Antenna Coverage	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.
Funded Base Station	A base station selected for funding under the Programme.
Funding Agreement	A document with contractual effect specifying the responsibilities of Funding Recipients, the Commonwealth and State or Territory government (as the case may be) under the Programme.

Funding Recipient	An applicant who has been successful in obtaining funding under the Programme.
Greenfield Site	A site (without existing infrastructure) where a new mobile base station is to be deployed to deliver mobile services.
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.
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.
MATPL	The maximum allowable transmission path loss, where path loss is the loss in power density of electromagnetic waves when they propagate through space and includes all of the lossy effects associated with distance and the interaction of the propagating wave with the objects in the environment between the antennas. MATPL determines how much loss can be tolerated in a radio link to achieve a given minimum acceptable performance.
Merit List	The list of Proposed Base Stations that the Department will recommend to the Decision Maker when the assessment process is completed.
Microcell	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.
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.
Picocell	A small cellular base station, typically with a range of less than 200 metres. Often used to extend coverage to indoor areas or to add network capacity to areas of dense mobile phone usage.
Programme	Has the meaning given in section 1.1.2.
Proposed Base Station	A base station for which an applicant has sought funding under the Programme.

Part G – Attachments

Attachment A – Draft Funding Agreement

The Department of Communications will provide a draft Funding Agreement to organisations that have registered as an eligible applicant for funding under the programme. Information on registering as an eligible applicant is available on the Department of Communications website at www.communications.gov.au/mobile_coverage

Attachment B – In-principle council co-contributions

The local councils listed below have advised the Department of Communications of in-principle co-contributions to the Mobile Black Spot Programme (cash and/or in-kind). Information regarding individual council co-contributions can be obtained by contacting the relevant council.

New South Wales

Armidale Dumaresq Council	Bega Valley Shire Council	Bland Shire Council
Bourke Shire Council	Camden Shire Council	Cessnock City Council
Conargo Shire Council	Cooma-Monaro Shire Council	Coonamble Shire Council
Cootamundra Shire Council	Forbes Shire Council	Glen Innes Severn Council
Gosford City Council	Goulburn Mulwaree Council	Greater Hume Shire Council
Greater Taree City Council	Guyra Shire Council	Gwydir Shire Council
Inverell Shire Council	Jerilderie Shire Council	Junee Shire Council
Lachlan Shire Council	Lithgow City Council	Lord Howe Island Board
Nambucca Shire Council	Narrabri Shire Council	Shoalhaven City Council
Snowy River Shire Council	Tenterfield Shire Council	The Hills Shire Council
Tumbarumba Shire Council	Tumut Shire Council	Upper Hunter Shire Council
Upper Lachlan Shire Council	Weddin Shire Council	Wingecarribee Shire Council

Northern Territory

MacDonnell Shire Council	West Arnhem Shire Council	
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Queensland

Banana Shire Council	Barcardine Regional Council	Blackall-Tambo Regional Council
Bundaberg Regional Council	Burdekin Shire Council	Burke Shire Council
Cairns Regional Council	Carpentaria Shire Council	Central Highlands Regional Council
Charters Towers Regional Council	Cloncurry Shire Council	Diamantina Shire Council
Flinders Shire Council	Gladstone Regional Council	Goondiwindi Regional Council
Gympie Regional Council	Hinchinbrook Shire Council	Ipswich City Council
Isaac Regional Council	Lockyer Valley Regional Council	Mackay Regional Council
Maranoa Regional Council	Mareeba Shire Council	McKinlay Shire Council
Murweh Shire Council	Noosa Council	North Burnett Regional Council
Quilpie Shire Council	Redland City Council	Richmond Shire Council
South Burnett Regional Council	Toowoomba Regional Council	Western Downs Regional Council

South Australia

District Council of Franklin Harbour	District Council of Karoonda East Murray	District Council of Loxton Waikerie
District Council of Mount Remarkable	Kangaroo Island Council	Maralinga Tjarutja Community Council
Mid Murray Council	Naracoorte Lucindale Council	Nipapanha Community Council
Tatiara District Council		

Tasmania

Central Coast Council	Dorset Council	Huon Valley Council
Kentish Council	Meander Valley Council	West Tamar Council

Victoria

Ballarat City Council	Baw Baw Shire Council	Buloke Shire Council
Golden Plains Shire Council	Horsham Rural City Council	Mansfield Shire Council
Mildura Rural City Council	Mitchell Shire Council	Northern Grampians Shire Council
Pyrenees Shire Council	South Gippsland Shire Council	Southern Grampians Shire Council
Strathbogie Shire Council	Towong Shire Council	Yarra Ranges Shire Council
Yarriambiack Shire Council	Wellington Shire Council	

Western Australia

City of Armadale	City of Mandurah	City of Swan
Shire of Augusta-Margaret River	Shire of Chapman Valley	Shire of Dalwallinu
Shire of Donnybrook-Balingup	Shire of Exmouth	Shire of Gingin
Shire of Jerramungup	Shire of Kojonup	Shire of Kondinin
Shire of Kulin	Shire of Lake Grace	Shire of Merredin
Shire of Morawa	Shire of Mt Marshall	Shire of Nannup
Shire of Northam	Shire of Northampton	Shire of Perenjori
Shire of Ravensthorpe	Shire of Tammin	Shire of West Arthur
Shire of Westonia	Shire of Wickpin	Shire of Wyndham East Kimberley
Shire of Yalgoo	Shire of Yilgarn	

Attachment C – Application Pack

The Department of Communications will provide an Application Pack to organisations that have registered as an eligible applicant for funding under the programme. Information on registering as an eligible applicant is available on the Department of Communications website at www.communications.gov.au/mobile_coverage

Attachment D – State, Territory and NBN Co contacts

The Department of Communications will provide State, Territory and NBN Co contact details to organisations that have registered as an eligible applicant for funding under the programme. Information on registering as an eligible applicant is available on the Department of Communications website at www.communications.gov.au/mobile_coverage