



Mobile Network Hardening Program— Draft Stage 2 Guidelines

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Closing date and time:	##:##pm on ## ### 2021
Commonwealth policy entity:	Department of Infrastructure, Transport, Regional Development and Communications
Administering entity	Department of Infrastructure, Transport, Regional Development and Communications
Enquiries:	<p>If you have any questions, please contact mobilecoverage@communications.gov.au. Questions should be sent no later than ## ### 2021.</p> <p>Further information on the program is available on the Department's website at www.communications.gov.au/phone/improving-resilience-australias-telco-networks.</p>
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Type of grant opportunity:	Targeted Competitive

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1. Mobile Network Hardening Program – Stage 2:

The Program is designed to achieve Australian Government objectives

This grant opportunity is part of the Government's \$37.1 million Strengthening Telecommunications Against Natural Disasters package to improve the resilience of communications networks. The Department works with stakeholders to plan and design grant programs according to the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#).



Release of Guidelines and call for applications

Timing: ## ### 2021

At the same time as releasing these Guidelines on [GrantConnect](#), the Government will issue a call for applications from Eligible Applicants for funding for the grant opportunity. For applicant eligibility see section 4.1.



Preparing and submitting applications

Timing: ## ### 2021

On request, each Eligible Applicant will be provided with an Application Pack that includes an Assessment Tool, instructions on how to complete the Assessment Tool, and details of other information required in applications for funding.



Assessment of Applications

The Department will assess all applications received by the closing date and time (see section 7.2) to confirm that the application meets the Eligibility Criteria and determine which proposed Resilience Upgrades are to be recommended for Program funding using the Assessment Criteria in section 6, and the processes outlined in section 8.1.



The Department makes grant recommendations

The Department will provide advice to the Decision Maker on the merits of each application.



Grant decisions are made

The decision maker decides which applications are successful.



Grantees advised of outcomes and funding arrangements finalised

The Department will notify each applicant of the proposed Resilience Upgrades that are included in the Decision Maker's List. Extracts of the Decision Maker's List may also be provided to other relevant stakeholders.

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

The funded Resilience Upgrades are expected to be announced by the Government in ### 2021.

1.1 Introduction

These guidelines contain information for the Mobile Network Hardening Program Stage 2 (Stage 2 of the Program) and include relevant information concerning:

- what funding is available;
- who is eligible to apply for funding;
- how to apply for funding; and
- how funding will be allocated under Stage 2 of the Program.

Applicants must read these guidelines before filling out an application.

This document sets out:

- the purpose of Stage 2 of the Program;
- the eligibility and assessment criteria;
- how grant applications are considered and selected;
- how grantees are notified and receive grant payments;
- how grantees will be monitored and evaluated; and
- responsibilities and expectations in relation to the opportunity.

This grant opportunity will be administered by the Department of Infrastructure, Transport, Regional Development and Communications (the Department).

2. About the grant program

The purpose of the Mobile Network Hardening Program (the Program) is to increase the resilience of (i.e. to harden) Australia's mobile telecommunication networks to help prevent, mitigate and manage outages during bushfires and other Natural Disasters. The Program is being implemented in two stages.

The Program is part of the Strengthening Telecommunications Against Natural Disasters (STAND) Package¹ which contributes to the Department of Infrastructure, Transport, Regional Development and Communications' (the Department's) Portfolio Budget Statement Outcome 5. STAND was announced as part of the Australian Government's \$650 million bushfire recovery funding package, which is a component of the Government's \$2 billion National Bushfire Recovery Fund announced in January 2020.

Stage 1 of the Program is providing Government funding to Mobile Network Operators (Telstra, Optus and TPG Telecom) to extend the battery back-up at mobile base stations funded under Rounds 1 and 2 of the Mobile Black Spot Program, to provide at least 12 hours of back-up power.

The objective of Stage 2 of the Program is to fund investment in telecommunications infrastructure to improve the reliability of mobile voice and data coverage, in particular by strengthening the resilience of telecommunications facilities to allow them to operate for longer during bushfires and other Natural Disasters.

¹ www.communications.gov.au/phone/improving-resilience-australias-telco-networks

The Commonwealth has the power to make, vary or administer this grant program under the Financial Framework (Supplementary Powers) Regulations 1997 (Cth) Sch 1AB item 420.

Stage 2 of the Program has been developed by the Department following consideration of the Australian Communications and Media Authority (ACMA) report on the impacts of the 2019-2020 bushfires on the telecommunications network², and the Royal Commission into National Natural Disaster Arrangements report³.

Stage 2 of the Program is to be undertaken in accordance with the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#)⁴

3. Grant amount and grant period

3.1 Grants available

The Australian Government has announced the Mobile Network Hardening Program that will comprise two stages. Up to \$6 million (GST inclusive)⁵ is available to Stage 2 of the Program. Commonwealth funding is available for up to 50% of the capital costs of each Resilience Upgrade.

There is no minimum or maximum funding amount (up to the limit of available funds) for each Resilience Upgrade under Stage 2 of the Program, but funding will not exceed the reasonable capital expenditure costs of implementing each Resilience Upgrade.

3.2 Grant period

All funded Resilience Upgrades must be completed by the date specified in the respective Grant Agreement.

Each Resilience Upgrade must be maintained by the funding recipient for at least 10 years following the date on which the Grantee confirms that the upgrade works have been completed, in accordance with the Grant Agreement.

3.3 Third Party funding co-contributions

To increase the reach of the Program, applicants are encouraged to seek financial (cash) and in-kind co-contributions from State, Territory or local governments, local communities and/or other third parties. Interested third parties are also encouraged to contact applicants directly in relation to potential co-contributions.

In the event that a Resilience Upgrade includes a co-contribution from a third party, the Commonwealth will not be liable for any costs that may arise in relation to that co-contribution. For example, if the third party's funding is not secured following execution of the Grant Agreement between the Commonwealth and the Grantee, the Grantee will cover the third party's funding.

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

² <https://www.acma.gov.au/publications/2020-04/report/impacts-2019-20-bushfires-telecommunications-network>

³ <https://naturaldisaster.royalcommission.gov.au/>

⁴ <https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf>

⁵ Up to \$5.5 million (GST exclusive)

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

4. Eligibility criteria

The Department cannot consider an application if the applicant does not satisfy all the eligibility criteria.

4.1 Who is eligible to apply for a grant?

To be eligible to apply for funding under Stage 2, an applicant must be a Mobile Network Operator (MNO) or a Mobile Network Infrastructure Provider (MNIP).

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

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

For the purposes of the Program, an MNIP means a company, other than an MNO, that provides communications infrastructure or facilities in Australia that support the provision of public mobile telecommunications services in regional and remote Australia.

5. What the grant money can be used for

5.1 Eligible Grant Activities

To be eligible, each proposed Resilience Upgrade under Stage 2 of the Program must:

- upgrade infrastructure at an eligible site or facility that demonstrably increases the resilience of a mobile telecommunications service that directly provides mobile coverage to an Eligible Location (section 5.2); and
- enhance the resilience of the site or facility against an identified risk that arises from a Natural Disaster that could reasonably expect to threaten the site or facility.

An eligible site or facility is either:

- an existing mobile base station that directly provides mobile coverage to an Eligible Location; or
- an existing site or facility that directly supports one or more mobile base stations that provide mobile coverage to an Eligible Location, for example an exchange or mobile backhaul link.

For the purposes of this Program, a Natural Disaster is a naturally occurring event that causes great damage to property, loss of life, or prolonged outages to an eligible site or facility.

5.2 Eligible Locations

Eligible Locations are defined as areas within Australia (and its territories) that are not classified in the Urban Centres and Localities geographical units by the Australian Bureau of Statistics in 2016 as 'Major Urban', i.e. with a population of 100,000 or more⁶.

5.3 Eligible expenditure

Funding for Stage 2 of the Program may only be spent on capital costs directly related to Resilience Upgrades as described at Section 5.1 above. For example, this may include upgrading back-up power capacity to a minimum of 12 hours, provision of redundant backhaul, flood elevation or hardening of a site or facility.

Grantees will be responsible for any actual capital costs that exceed estimated costs. All operating costs related to Resilience Upgrades will be the responsibility of the Grantee.

For Funded Resilience Upgrades which involve 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 capital costs.

5.4 What the grant money cannot be used for

Ineligible grant activities include:

- work that is not substantively related to increasing the resilience of the mobile telecommunications service against a Natural Disaster in an Eligible Location;
- operational and/or maintenance costs, other than those specified in section 5.3, incurred as a result of a Resilience Upgrade funded through this grant opportunity;
- Any work that is a requirement of or under any federal, state or local government laws, such as the establishment, maintenance, certification or registration of asset protection zones, fire trails or access roads, or hazard reduction works, for example mandatory work required to comply with changes to planning requirements;
- Backhaul upgrades that are built for additional capacity, rather than redundancy;
- maintenance or remedial work to existing infrastructure, including maintenance of clearings or control of vegetation around a site or facility, replacement of existing batteries without significantly increasing the level of back-up power, and general repair or maintenance work to structures; or
- any cost for which an Eligible Applicant is already receiving funding from the Commonwealth, or which is to be covered by its own contributions or other third party contributions, under a Commonwealth funding agreement.

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

6. The assessment criteria

Assessment criterion 1 - Merit of the proposed Resilience upgrade (30 points)

The merits of each proposed Resilience Upgrade will be assessed according to the following two factors, with up to a total of 30 points awarded for this criterion (up to 15 points per factor):

Level of resilience provided

- the degree to which the proposed Resilience Upgrade demonstrates it will improve the resilience of a mobile telecommunications service in an Eligible Location, including:
 - the increased back-up power capacity;
 - the demonstrated increase in redundancy of backhaul links; and
 - any other Resilience Upgrade measures and the degree to which they may mitigate risk from a Natural Disaster. For example:
 - hardening of structures to protect against fire damage; or
 - elevating a site or facility to protect from floods.

Benefits to the community

- the demonstrated benefits the Resilience Upgrade will provide to the community in an Eligible Location, including:
 - the area in km² of mobile coverage being provided by the site or facility being upgraded;
 - the benefit that the Resilience Upgrade may provide for Emergency Service Organisations including provision of mobile services to coordination zones, emergency services premises, and evacuation and assembly points; and / or
 - The number of premises receiving coverage from the site or facility being upgraded.

Assessment criterion 2 – Design and delivery (10 points)

The design and delivery of each proposed Resilience Upgrade will be assessed according to the following factors, with up to a total of 10 points awarded for this criterion:

- how the applicant will maintain the infrastructure being upgraded;
- the applicant's track record delivering similar solutions and access to personnel and/or partners with the right skills and experience. This should include evidence of sound project planning to manage and monitor the project covering scope, implementation methodology, timeframes, budget and risk; and
- the applicant's ability to commence the upgrade, including availability of key personnel, equipment and finance.

Assessment criterion 3 – Cost of proposed Resilience Upgrade (10 points)

The cost to the Commonwealth of the proposed Resilience Upgrade will be assessed to ascertain whether the level of benefit provided is comparable to the cost. This includes any additional funding provided by the applicant or a third-party co-contribution, above the required 50% investment.

Overarching value for money assessment

The Department will finalise the Draft Merit List by conducting an overarching Value for Money assessment that will include, but is not necessarily limited to, consideration of:

- the Government's objectives for Stage 2 of the Program;
- the degree to which the proposed Resilience Upgrade will improve the resilience of other MNO's services provided from the site;
- whether there is written endorsement from Emergency Service Organisation; and
- the number of other mobile base stations/facilities, if any, that are reliant on the infrastructure proposed for upgrade.

7. How to apply

Before applying, Eligible Applicants must read and understand these guidelines and the Application Pack.

Any alterations and addenda⁷ will be published on the [GrantConnect](#) website. By registering on GrantConnect, each Eligible Applicant will be automatically notified of any changes. GrantConnect is the authoritative source for grants information.

When applying, Eligible Applicants must complete the Application Pack, including details of each proposed Resilience Upgrade.

If the Department finds an error or information that is missing after the closing date for applications, the Department may ask for clarification or additional information that will not change the nature of the application. Additionally, if the Department identifies additional information that would be useful in assessing the application, it may ask for this information at its absolute discretion.

All applications lodged will be acknowledged by the Department by email to the nominated contact person. Applicants lodging an application who do not receive acknowledgement of their application should contact the Department. Applications which are not acknowledged by the Department as being received may not be considered. If you need further guidance about the application process or if you are unable to submit an application online contact us at mobilecoverage@communications.gov.au.

Applications can be lodged by email to mobilecoverage@communications.gov.au. Application files lodged by email must not exceed a combined size of 10 megabytes per email. Applications may also be lodged using GovTEAMS, the Australian Government's secure online document sharing and project management system. Potential applicants can be provided with information about lodging applications using GovTEAMS upon request to the Department. Potential applicants may also request to use alternative online secure document sharing systems by agreement with the Department.

You should advise the Department if you intend to lodge your application using GovTEAMS, or if you need to use an alternative electronic lodgement platform. You should do this at least two weeks before the closing date via email to mobilecoverage@communications.gov.au. If you wish to change the electronic lodgement platform after notifying the Department, you should advise the

⁷ Alterations and addenda include but are not limited to: corrections to currently published documents, changes to closing times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents

Department of the change and the reasons why. The Department may, at its discretion, accept changes to the lodgement method.

All electronic files, regardless of transmission method, should be provided in an appropriate Microsoft compatible format (Microsoft Office 2007 or later or PDF files preferred): Geo-spatial information such as maps should be provided in either Mapinfo TAB or MID/MIF; ESRI Shape; GML; or KML format.

Where physical electronic media is to be provided, such as a USB stick, the media must be PC-formatted. Applicants should include an index of all electronic documents on the physical electronic media.

Applications provided in hard copy and physical electronic media formats should be delivered via registered post or by hand prior to the closing date outlined in [section 7.2](#).

Applications via post are to be addressed and delivered to:

Director, Mobile Black Spot Program
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
CANBERRA ACT 2601

Applications via hand delivery are to be addressed and delivered to:

Director, Mobile Black Spot Program
Department of Infrastructure, Transport, Regional Development and Communications
2 Phillip Law Street
CANBERRA ACT 2601

Eligible Applicants should keep a copy of their application and any supporting documents. The Department will acknowledge that the application has been received within five working days.

7.1 Attachments to the application

The Eligible Applicant may choose to provide additional supporting information separately in a format of its choice.

7.2 Timing of grant opportunity processes

Applications must be submitted to mobilecoverage@communications.gov.au by ## ### 2021. The Department will only accept a late application in exceptional circumstances, and reserves the right not to consider any application made after the closing date. If an error is found after submitting, contact the Department immediately at mobilecoverage@communications.gov.au.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	8 weeks
Approval of outcomes of selection process	4 weeks
Negotiations and award of grant agreements	1-3 weeks
Notification to unsuccessful applicants	2 weeks
Earliest start date of [grant activity or project/services]	MM/YYYY

Activity	Timeframe
End date of grant activity or agreement	DD/MM/YYYY

7.3 Questions during the application process

All requests for clarification to these Guidelines should be referred to the Department by email at mobilecoverage@communications.gov.au. The Department will respond to emailed questions within two business days. If an Eligible Applicant requests clarification of a provision in these Guidelines, the Department’s written decision on the matter is final. Answers to questions may be posted on [GrantConnect](#) where appropriate.

8. The grant selection process

8.1 Assessment of grant applications

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

The Department’s project team will first review each application against the eligibility criteria. The Department may exclude an ineligible application from further consideration where it determines an application clearly does not satisfy one or more of the selection criteria. The Department’s evaluation committee will then consider eligible applications through a targeted competitive grant process.

The Department will assess eligible proposed Resilience Upgrades included in the application against the Assessment Criteria (see section 6) and against other applications.

The Department will consider each proposed Resilience Upgrade on its merits, based on:

- how well it meets the assessment criteria (section 6);
- how it compares to other proposed Resilience Upgrades included in the application and other applications; and
- whether it provides Value for Money.⁸
- When assessing the extent to which a proposed Resilience Upgrade represents Value for Money, the Department will have regard to the considerations outlined in section 6.

In conducting its assessment, the Department may seek technical advice from independent industry experts.

Following the assessment of the applications, the Department’s evaluation committee will prepare a list of proposed Resilience Upgrades that it considers meets the Assessment Criteria in section 6, will provide Value for Money to the Commonwealth, and which it recommends for funding (the Draft Merit List).

⁸ See glossary for an explanation of ‘value for money’.

In establishing the Draft Merit List, the Department's evaluation committee will exercise its own judgement, having regard to the objectives of the Program as described in section 2, in determining whether any changes to the Draft Merit List are required.

The Department's evaluation committee will provide the Draft Merit List to the Decision Maker and provide the Decision Maker with details of the assessment of each proposed Resilience Upgrade against the Assessment Criteria, including the overall Value for Money of each Resilience Upgrade, and each Resilience Upgrade's ability to assist in achieving the intended outcomes and objectives of the Program as set out in section 2.

8.2 Who will approve grants?

The Decision Maker will review the Draft Merit List, and the Department's recommendations, and may do one or more of the following:

- approve the Draft Merit List as recommended by the Department;
- seek further information from the Department's evaluation committee;
- make any amendments to the Draft Merit List the Decision Maker deems necessary.

The Decision Maker will make the final decision on all applications for funding, including in relation to the determination of which proposed Resilience Upgrades are funded. This will form the Decision Makers List.

9. Notification of application outcomes

Following a decision by the Decision Maker, the Department will advise each applicant of the outcome in writing, including any specific conditions attached to the grant.

10. Successful grant applications

10.1 The grant agreement

Grantees must enter into a legally binding Grant Agreement with the Commonwealth. Each Grant Agreement has general terms and conditions that cannot be changed. A sample Grant Agreement will be provided to registered applicants.

Each Grant Agreement will set out the Grantee's obligations and service terms for each Funded Resilience Upgrade.

10.2 How the grant will be paid

Payments will be made as set out in the Grant Agreement. The Grant Agreement will state the:

- maximum grant amount to be paid;
- the payment milestones and timeframes for the grant funding;
- proportion of eligible expenditure covered by the grant (grant percentage);
- the process for reconciling actual costs against estimated costs, including in relation to balancing cost overspends and underspends;
- any financial contributions the Grantee must make;

- any in-kind contributions; and
- any financial contribution provided by a third party.

The Department will make payments according to the payment milestones and timeframes set out in the Grant Agreements.

10.3 Grants Payments and GST

Payments will be GST Inclusive, as set out in the Grant Agreement.

11. Announcement of grants

Successful grants will be listed on GrantConnect, no later than 21 calendar days after the date of effect as required by Section 5.3 of the CGRGs.

12. How we monitor the grant activity

12.1 Keeping the Department informed

The Grantee must notify the Department of any key changes to their organisation or its business activities, particularly if these affect the Grantee's ability to complete their grant, carry on business and pay debts due.

The Grantee must also inform the Department of any changes to their:

- name;
- addresses;
- nominated contact details; or
- bank account details.

If the Grantee becomes aware of a breach of terms and conditions under the Grant Agreement, the Grantee must contact the Department immediately.

12.2 Reporting

The Grantee must submit reports in line with the Grant Agreement. The Department will remind the Grantee of their reporting obligations before a report is due.

The Department will expect the Grantee to report on:

- progress against agreed milestones and outcomes;
- expenditure of the grant; and
- operation of the Funded Resilience Upgrade over the Operational Period.

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

Final report

When the Grantee completes the grant activity, the Grantee must submit a final report.

Final reports must:

- identify if and how objectives have been achieved;
- include the agreed evidence of expenditure and completion of the activity as specified in the Grant Agreement;
- identify the total eligible expenditure incurred; and
- be submitted in the timeframe and format specified in the Grant Agreement.

The Department will only make the final grant payment after the Department receives a satisfactory final report.

The Grantee must discuss any reporting delays with the Department as soon as they become aware of them.

12.3 Evaluation

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

13. Process terms

The Australian Government will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

These guidelines may be changed from time to time by the Department. When this happens, the revised guidelines will be published on GrantConnect.

13.1 Accountability and probity

The Department is committed to ensuring that the grant opportunity process is fair, conducted in accordance with these guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

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 Project, must comply with:

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

13.2 Complaints process

An applicant wishing to seek a review of the decision relating to its application for a grant should contact the Department by email at regionalconnectivity@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.

An applicant that is dissatisfied with the review may contact:

The Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601
Telephone (Toll free): 1300 362 072
Website: www.ombudsman.gov.au

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

13.3 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity. There may be an actual, potential or perceived conflict of interest, if the Department's staff, any member of a committee or advisor and/or the eligible applicant or any of the eligible applicant's personnel has a:

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

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

If an applicant later identifies an actual, potential, or perceived conflict of interest, it must inform the Department in writing immediately.

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

13.4 Costs

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.

13.5 Background checks

The Department may undertake checks on organisations submitting an application for funding (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.

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

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

13.6 Confidentiality

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

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

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

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

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

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

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 Resilience Upgrade(s), including costings for proposed Solutions that are not successful in receiving funding through the Grant Program.

13.7 Intellectual Property rights

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

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

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

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.

13.8 Privacy of individuals

The Department treats personal information in accordance with the *Privacy Act 1988* (the Privacy Act). The Privacy Act contains 13 Australian Privacy Principles (the APPs) which govern 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.

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 Grant Program or contact the Department's Privacy Officer (see details below).

13.9 Personal information collected by the Department

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 Grant Program.

By providing the Department with personal information in the applicant's application under the Grant 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 Grant Program.

This includes, but is not limited to, the assessment of applications against the eligibility and assessment criteria as outlined in these guidelines (see sections 5 and 6), as well as to contact applicants to seek additional information about their applications and to advise on the progress of applications.

The Department may share the information provided with other Commonwealth and relevant local, state and territory entities for purposes including government administration, research or service delivery, according to Australian laws, as well as to seek verification and/or clarification of this information to assist the assessment of an application under the Grant Program or where otherwise required by law.

This includes, but is not limited to, sharing with the South Australian Government (on a confidential basis) any or all information contained in applications which it considers relevant to that government's jurisdiction, including but not limited to costings for Resilience Upgrades that are not successful in receiving funding through the grant opportunity, subject to agreement on confidentiality with applicants.

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 Grant 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 Grant Program and that the application may be set aside under the assessment process.

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

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 Grant Program. In order to carry out its functions and activities connected to the Grant Program, the Department may use the collected personal information for the purpose of any assessment processes under, or the evaluation of, the Grant Program.

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

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

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

13.11 The Department's contact point for privacy matters

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

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

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

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.

13.12 Exclusion of liabilities

To the greatest extent possible in law, 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 or any other legal or equitable principle or theory, in relation to the Selection Process, including without limitation, when the Department:

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

13.13 Disclaimer

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

- are not, and will not be, responsible or liable for the accuracy or completeness of any information in or provided in connection with these Guidelines and associated forms;
- make no express or implied representation or warranty that any statement as to future matters will prove correct;
- disclaim any and all liability arising from any information provided to the applicants, including, without limitation, errors in, or omissions contained in, that information;
- except so far as liability under any statute cannot be excluded, accept no responsibility arising in any way from errors or omissions contained in any information in these Guidelines and associated forms; and
- accept no liability for any loss or damage suffered by any person as a result of that person, or any other person, placing reliance on the contents of these Guidelines and associated forms, or any other information provided by the Department.

13.14 Fraud Prevention

Applicants are responsible for ensuring that their application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995*⁹ and the Department will investigate any false or misleading information and may exclude an application from further consideration.

13.15 Freedom of information

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

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

All Freedom of Information requests must be referred to the Department's Freedom of Information Coordinator in writing at foi@infrastructure.gov.au

14. Consultation

Eligible Applicants were consulted prior to these guidelines being finalised.

⁹ <https://www.legislation.gov.au/Series/C2004A04868>

15. Glossary

Term	Definition
Application Pack	Has the meaning given in section 7.
Assessment Criteria	are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive Grant Opportunity, to determine application rankings.
Assessment Tool	the Excel spreadsheet that Eligible Applicants must use to make an application. Instructions on how to complete the Assessment Tool are in the Application Pack and in the spreadsheet itself.
Asset Capital Costs (CAPEX)	the costs to upgrade physical assets under the Program.
Backhaul	A link between the core or backbone of a network and sub-networks, transporting data from a series of disparate locations to a more centralised location.
Commonwealth Entity	a Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act
<u>Commonwealth Grants Rules and Guidelines (CGRGs)</u>	establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.
Decision Maker	the Minister for Communications, Urban Infrastructure, Cities and the Arts
Department	Department of Infrastructure, Transport, Regional Development and Communications.
Draft Merit List	The list of Resilience Upgrades that the Department's evaluation committee will recommend to the Decision Maker when the assessment process and Value for Money consideration is completed (refer to section 8.1).
Eligible Applicant	Has the meaning given in section 4.1.
Eligible Location	Has the meaning given in section 5.2.
Eligibility Criteria	refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.

Term	Definition
Emergency Service Organisation	a local Rural Fire Service (RFS), or other state or territory agency with appropriate expertise to provide confirmation that a location is vulnerable to Natural Disasters.
Grant	for the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth: <ul style="list-style-type: none"> a. under which relevant money¹⁰ or other Consolidated Revenue Fund (CRF) money¹¹ is to be paid to a grantee other than the Commonwealth; and b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.
Grant Activity/Activities	refers to the project/tasks/services that the grantee is required to undertake.
Grant Agreement	The agreement which sets out the relationship between the Commonwealth and the Grantee, and specifies the details of the grant and responsibilities in relation to the grant.
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 CGRGs
Grant Opportunity	refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
Grant Program	a 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program.
Grantee	the individual/organisation which has been selected to receive a grant.
Operational Period	The length of time that a Grantee is required to maintain a site or facility that has been funded for an upgrade under the Program.
Natural Disaster	Has the meaning given in section 5.1.

¹⁰ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

¹¹ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
Resilience Upgrade	an upgrade to an existing site or facility (as described in section 5.1) in an Eligible Location (section 5.2).
Selection Criteria	comprise eligibility criteria and assessment criteria.
Selection Process	the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.
Value for Money	‘Value for money’ in these Guidelines refers to achieving ‘value with relevant money’ based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations in accordance with the CGRGs and section 8.1.