



Australian Government

Australian Broadband Guarantee

Australian Broadband Guarantee

Round Two

InfoPack

Guidance to Assist Applicants

This is not an application form

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Overview of Australian Broadband Guarantee requirements

A. Assistance

This InfoPack is designed to help you complete the application form according to the Australian Broadband Guarantee (ABG) Guidelines and program requirements. The shaded sections in the Info Pack provide reference to sections or defined terms (usually indicated by a capitalised word e.g. Provider) in the Guidelines in order to assist Applicants.

If, after having read this document and having consulted the Guidelines, you wish to clarify any aspects of the information required, you should contact the Department by emailing abgproviders@dcita.gov.au or phoning Peter Hall on (02) 6271 7067. The Department of Communication, Information Technology and the Arts (DCITA) is also available to meet with Applicants to discuss specific questions in relation to the application process.

The information and guidance contained herein does not replace or have precedence over the Australian Broadband Guarantee Guidelines or standard Funding Deed.

B. Objectives

The Australian Broadband Guarantee builds on the previous Australian Government broadband incentive programs by continuing to offer eligible consumers access to price capped, affordable metro-comparable broadband services with a guaranteed minimum level of service. It complements the roll-out of broadband services by OPEL Networks (provided through the Australia Connected Package) in addressing premises not served or not yet served by that program or by commercial developments.

It is important that Applicants understand that the Australian Broadband Guarantee is not intended to provide ongoing financial support for Internet Service Providers (ISPs) to maintain their businesses. ISPs considering applying to participate in this Program should consider whether their current and projected financial position and business plans would enable them to maintain a sustainable business without Australian Government financial assistance.

C. Registration process

An ISP interested in participating in the Program, including any ISP previously registered under the Australian Broadband Guarantee (transitional period), Broadband Connect, Metro Broadband Connect or HiBIS is required to lodge an application for registration under the Program. Applicants whose applications were declined in previous registration rounds must complete a new application form for Round Two (2).

All Applicants are required to register:

- themselves (noting the requirements outlined in the Guidelines);
- the Service Solution/s proposed to be deployed;
- the Service Plans proposed to be offered (refer Criterion 3 at section 3.5.3). Each Applicant is required to register at least one Threshold Service for each Service Solution and has the option of registering one or more Threshold, Entry Level or Added Value Services; and

- each Service Area in which the Applicant intends to offer a Service (refer Criterion 4 at section 3.5.4).

Applications are assessed by a DCITA Assessment Panel, drawing on expert advice from external consultants as necessary. DCITA may also draw, as necessary, on the expertise of other departments and agencies of the Australian Government [for example, the Australian Communications and Media Authority (ACMA), and the Australian Competition and Consumer Commission (ACCC)].

If the application is approved by the Assessment Panel, and all preconditions have been satisfied, which may include requiring the Applicant to provide an appropriate form of security (which may include a bank undertaking in favour of the Commonwealth to secure their performance; or a parent company guarantee and indemnity) DCITA will notify the Applicant and forward a Funding Deed (either by email, courier or post) for signature. Once the returned Funding Deed has been executed by DCITA, the Applicant's Registration as a Provider under the Australian Broadband Guarantee will become effective. The Provider's registration status and public contact details will also be put on the DCITA website.

In addition, DCITA may approve, at its discretion, registration subject to certain additional conditions.

All Applicants will be advised in writing of the Assessment Panel's decision.

D. Lodging your application

The Department will not accept applications submitted on the form used under the first registration round, as the current form (round two) reflects the changes made in August to the Australian Broadband Guarantee Guidelines. Applications to register for the Australian Broadband Guarantee include four parts, which will be assessed against the criteria contained in each part:

- Part 1-Financial Viability and Operational Sustainability (new providers only);
- Part 2-Regulatory and Other Compliance Issues (new providers only);
- Part 3-Service Solution/s and Service Plans; and
- Part 4-Service Areas.

In addition, every applicant needs to include both the Identification and Contact Information and the Authorisation page.

The applicant must provide two (2) complete, unbound, signed and dated copies of the application and accompanied by one (1) complete electronic copy on CD-ROM or DVD-ROM. Electronic copies must be provided in an unlocked PDF format or Microsoft compatible format or be accessible using Microsoft tools. Applications received by **e-mail will not be accepted**. Geo-spatial information such as maps should be provided in MapInfo TAB file format.

All applications:

- must be completed in full, and be accompanied by the specified attachments and supporting documents;
- require a full response to every question (references to websites are not acceptable), even if you have previously provided any of this information to the Department. Applicants need to make their own decision as to whether their application has sufficient information;

- must include both the Identification and Contact Information page (the first part of the form) as well as the duly completed, signed and dated Authorisation page (on the last page of this form, prior to the Attachments section).

OPEL Networks' coverage area maps will be made available on the DCITA website. All applicants are encouraged to consult these maps prior to submitting proposed Service Areas under this Program.

All Applicants should note the following:

- Applicants should consult the Australian Broadband Guarantee Guidelines when completing the application as this document contains specific information and terms which are defined or explained further in the Guidelines;
- each of the assessment criteria must be addressed to DCITA's satisfaction;
- DCITA also welcomes any additional information that may assist in the assessment process;
- DCITA reserves the right to decline further assessment of an application if one or more criteria are not addressed to DCITA's satisfaction;
- Applications will be assessed on the material submitted, and revisions to applications after the Registration Round closing date will not be accepted;
- Applicants may be asked (at the discretion of the Department) to clarify information provided in their application. Where the Applicant does not provide clarifications within a specified timeframe, the application may be declined;
- any Applicant subject to any significant changes proposed to its management, entity structure, and/or ownership or any other material changes to the business while its application is being assessed will have to notify DCITA as soon as possible after such decisions are taken. DCITA reserves the right to cease assessing the application on the basis that the information sought under Criterion 1 is no longer applicable; and
- DCITA may conduct a financial or other assessments (according to the terms outlined in Section 3.5) to confirm the new provider's ongoing viability to offer Services as a result of these changes, before executing a new Funding Deed or Deed of Novation (whichever is appropriate).

E. Due Date

All Applicants must complete the application form which will be available from www.dcita.gov.au/communications_for_business/funding_programs_and_support/broadband_guarantee during a Registration Round and submit it together with all accompanying documentation to DCITA.

Completed applications and attached documents for the current Registration Round must be received by DCITA by 5.00pm AEST on Tuesday **2 October 2007**.

Registration Rounds

DCITA reserves the right to announce additional Registration Rounds (including Registration Rounds specifically relating to Service Areas), at its discretion, at any other time during the operation of the Program. Any such additional Registration Round will be announced on the DCITA website. Details of any future round (if and when announced), including the date for receipt of applications under the round, will be notified on the DCITA website.

For any subsequent Registration Rounds (if and when announced), existing Registered Providers may submit applications (Part 3 and 4) for new Service Plans, Service Solutions and/or new Service Areas. Such applications must be on the relevant part of the approved application form, and will be assessed according to the relevant assessment criteria as set out in the Australian Broadband Guarantee Guidelines. DCITA will notify Providers of any subsequent Registration Round and provide application forms to be used by prospective applicants.

Service Areas registered under a Registration Round and reflected in a Provider's Funding Deed will remain registered with the Provider, subject to the terms of the Provider's Funding Deed and the Guidelines (i.e. a Provider that has already registered a Service Area will not lose that Service Areas a result of a subsequent Registration Round itself being called).

F. Assessment Process

Applications are subject to a three-stage assessment process:

Stage One

Stage One will involve an initial screening. During this stage, all applications will be screened to ensure that they are compliant with the requirements set out in the Guidelines and associated documentation, and provide sufficient information to be effectively assessed. DCITA may exclude from further consideration, applications which do not meet the minimum eligibility requirements, or do not substantively address the relevant criteria, being all four (4) for new applicants or the two (2) relevant ones for currently registered providers.

Stage Two

Stage Two will involve benchmarking the remaining applications in detail against the Selection Criteria described at sections 3.5-3.5.4. Applications that do not satisfy these criteria will be excluded from further consideration at this point.

It is noted that each of the assessment criteria must be addressed to DCITA's satisfaction. DCITA reserves the right to decline further assessment of an application if one or more criteria are not addressed to DCITA's satisfaction.

Stage Three

Stage Three will involve the assessment of proposed Service Areas. Under this stage, a comparative assessment of applications proposing terrestrial-based Internet services in the same area will also be undertaken. Section 3.5.4 sets out the criteria that will be used for the comparative assessment that will be undertaken as applicable. Applicants should note that the result of the comparative assessment will be that only one Service Area for terrestrial-based Services will be registered in a particular area (although there may be some overlap of terrestrial service areas in certain circumstances). Applications will be ranked in accordance with the provisions in section 3.6.

Applicants should note that DCITA reserves the right to decline to further assess applications for terrestrial-based Services Areas which completely or substantially overlap with terrestrial-based Service Areas approved for other Providers.

During the assessment, DCITA may seek and take into account comments or advice received from its internal and external technical, financial or legal advisers in relation to applications.

A decision as to which applications are successful will be made by the Assessment Panel. All Applicants will be advised in writing of Panel decisions in relation to their application.

G. Unsuccessful Applicants

Unsuccessful Applicants may submit further applications for registration in later Registration Rounds (if and when announced).

H. Confidentiality

All applications will be treated in strictest confidence under the provisions of section 3.7.2 of the Guidelines.

I. Statutory Declarations

All statutory declarations provided to DCITA must be the original, signed by the CEO, Principal, Partner or other appropriately qualified officer (as relevant) of the company/partnership. DCITA will not accept copies of declaration forms or electronic signatures. Applicants may set out all matters declared on one (1) statutory declaration form.

J. Disclaimer

Please note that this Registration Round does not give rise to contractual obligations between the Commonwealth and the Applicant. A condition of Australian Government Funding and Registration for Applicants whose application for registration is successful under the Program is the execution of a legally binding Funding Deed. The Commonwealth will not be responsible for any costs or expenses incurred by an Applicant in preparing and/or submitting an application under the Program.

K. Key Requirements

To assist in achieving the Program objectives described in section 1.1 of the Guidelines, DCITA expects all Registered Providers under the Australia Broadband Guarantee to adhere to the following key requirements in offering Services to Customers.

All Providers must provide Customers with:

- reliable service offerings that are Metro-comparable in terms of speed, data usage and price;
- quality Customer service (including expeditious follow up where problems arise with the Service);
- proper complaint handling procedures that are consistent with the TIO's constitution, procedures and policies and the *Australian Communications Alliance Ltd's Complaint Handling Code* and applicable industry codes;
- fair Terms and Conditions consistent with the Guidelines, *Telecommunications Act 1997* and related legislation, *Trade Practices Act 1974*, and other consumer legislation, and other applicable industry codes;
- accurate and truthful advertising of Services which complies with applicable Commonwealth and State/Territory laws, and which acknowledges the financial support received from the Australian Government under the Australian Broadband Guarantee, consistent with the requirements of these Guidelines; and
- scalable and improved services into the future: the Provider should offer a range of Service Plans now and have capacity to upgrade the speed and functionality of those Services in the future.

In participating in the program, all Providers must:

- comply with the requirements of the Program Guidelines and their Funding Deeds;

- take all reasonable steps to ensure that all claims submitted for payment (including Attestations) are valid and accurate;
- provide full disclosure of any circumstances that may breach the Guidelines and/or their Funding Deed; and
- ensure that records related to their Australian Broadband Guarantee activities are kept for at least three years following the end of the Program.

L. Completed applications

Applications received by e-mail will not be accepted. Send the two (2) completed, unbound, signed and dated hard copy application forms and attachments accompanied by (1) complete electronic format version on CD-ROM or DVD-ROM to:

Post: Australian Broadband Guarantee applications

Australian Broadband Guarantee Administration

Broadband Infrastructure Branch

Department of Communications, Information Technology and the Arts

Post: GPO Box 2154

CANBERRA ACT 2601

Courier: 38 Sydney Avenue, Forrest, ACT

Telephone: (02) 6271 7067

Screening of Applicants

Application for registration under the Program is open to Internet Service Providers who are current members of the Telecommunications Industry Ombudsman (TIO) scheme as required by the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

The following Applicants will not be accepted for registration under the Australian Broadband Guarantee:

- Applicants who propose to offer only wholesale broadband services;
- Applicants who propose to resell an end-to-end wholesale terrestrial broadband internet service provided by a wholesale provider;
- Applicants who propose to resell another ISP's end to end retail Satellite Broadband Service; and
- Applicants who do not substantially address the selection criteria outlined in section 3.5 of the Guidelines or complete all of the information requirements contained in the Australian Broadband Guarantee application form.

DCITA reserves the right to defer the processing of an application submitted by an entity that is currently the subject of a planned or current compliance audit of its activities under the Broadband Connect Incentive Program, Metro Broadband Connect or Australian Broadband Guarantee (transitional period) pending the outcomes of the audit.

Terrestrial Broadband Service Areas

DCITA reserves the right to decline to register an Applicant's Service Areas where the Service Area is found to be ineligible for registration under the Program.

Where an Applicant is able to satisfy the other provisions of Stage 1, but all the Applicant's Service Areas are found to be ineligible for registration, the Applicant will continue to be assessed in Stage 2 on criteria 1-3. If the Applicant fully satisfies criteria 1-3, the Applicant may be invited to submit a streamlined application in the next Service Area Registration Round. This will be at DCITA's discretion.

A. Do you have TIO membership? Membership is mandatory.

Yes No

You must be able to answer NO to the following questions in order to proceed with the Australian Broadband Guarantee application for registration:

B. Do you propose to offer only wholesale broadband services?

Yes No

C. Do you propose to resell another ISP's end-to-end wholesale or retail terrestrial broadband internet service?

Yes No

D. Do you propose to resell another ISP's end-to-end retail Satellite Broadband Service

Yes No

Identification and Contact Information

Note: please provide evidence of any registered business trading name.

Legal name of organisation

Short or trading name

Postal address

Street name and number

PO Box number

Suburb/Town

City

State/Territory

Postcode

Nominated contact for the Australian Broadband Guarantee

Title

First name

Last name

Position

Direct telephone number—landline

Mobile

Fax

Email

Organisation Identification

ABN

ACN

Is the organisation GST registered? Yes No

Is the organisation Incorporated? Yes No

If YES, please provide the incorporation number and date of incorporation.

Incorporation number

Date of incorporation

Were you previously registered under: HiBIS? Yes No

Broadband Connect Incentive Program? Yes No

Metropolitan Broadband Connect? Yes No

Australian Broadband Guarantee (transitional period)? Yes No

If Yes indicate the service solution/s you previously offered under these broadband Programs:

Satellite

Wireless

Cable/HFC

xDSL

Broadband over Powerlines

Other (please specify)

Part 1—Financial Viability and Operational Sustainability

Criterion 1: Financial Viability and Operational Sustainability

[Guidance 3.5.1 of the ABG Guidelines]

An Applicant's financial viability and operational sustainability will be considered against the following sub-criteria:

Basis of assessment

- Solvency: The Applicant is financially solvent at the time of application.
- Audit status: The Applicant is able to submit audited accounts that indicate the auditor does not have any qualifications or concerns about the financial position of the Applicant.
- Ongoing ability to fund Program commitments: There are no material commitments that would call into question the Applicant's ability to sustain its proposed Program operations.
- Applicant has access to adequate funds: The Applicant has access to sufficient funds (but not including projected Program funding) to operate its business while participating in the Program.
- Financial performance: The Applicant's past financial performance and projected financial performance demonstrates that the Applicant is profitable and has positive net assets (current and fixed); and is projected to be profitable. This should be reflected in the Applicant's financial accounts (historical and projected) and Business Plan.
- Managerial integrity: Key Managerial staff have no criminal conviction, charges pending or other serious breaches as at the time of application.
- Board experience (if applicable): Where an Applicant is a corporate organisation, its Board as a whole should have six (6) years minimum combined industry experience at Board or senior executive level and at least two (2) Board members with at least three (3) years industry experience each at Board or senior executive level. Where an Applicant is a partnership, its partners should have at least six (6) years combined industry experience.
- Senior Management experience: The Applicant's management team should have at least six (6) years minimum, combined industry experience at senior management level and at least two (2) managers with at least three (3) years industry experience each at senior management level.
- Sustainable Business Plan: The Applicant can demonstrate that its broadband Internet business is viable on an ongoing basis, including if necessary without the support of government funding. The Business Plan should assume that broadband services would continue to be offered on a metro-comparable basis into the future, in order to remain competitive with other available broadband services.
- Risk Management: Applicants must demonstrate awareness of key technical and operational risks associated with their operations and have effective strategies to address them, particularly in the context of the Australian Broadband Guarantee.

An Applicant may be declined from registration if the information submitted in response to this criterion indicates a disproportionate reliance on Program funds for the business to be viable.

In order for an Applicant to address the above assessment criteria, the Applicant must answer the following questions.

Financial Viability and Operational Sustainability

The corporate information requested in this section is required to establish whether or not an Applicant has the organisational and financial capacity to provide sustainable Australian Broadband Guarantee Services.

[Guidance: Please refer to 3.5.1 of the Australian Broadband Guarantee Guidelines, particularly 'Information Required' for requirements to respond to the following questions. Provision of the statutory declaration is mandatory].

A. Financial Viability

Financial Statements

Audited financial accounts (or at minimum audited profit & loss statement, balance sheets and cashflow statements) for full years 2004/05, 2005/06 and 2006/07 are required.

Where the Applicant cannot supply audited financial accounts for the past three financial years, the Applicant can seek to provide their accounts reviewed in line with Auditing Standard Australia AUS 902 "Review of Financial Reports" (further details at www.auasb.gov.au). In exceptional circumstances, a shorter period may be considered if the Applicant can satisfactorily demonstrate current and ongoing financial viability. Applicants should seek advice from DCITA in this instance. The audit must be completed by an appropriately qualified Auditor. Where the Applicant claims to be exempt from the requirement to submit audited accounts under the *Corporations Act 2001*, the Provider will still be required to provide audited accounts (preferred) or accounts reviewed under AUS902.

Where the Applicant is a majority owned subsidiary of another company and is being financially supported by that company, the above financial information of the parent company (or relevant controlling business) is to be supplied in addition to their own information;

Where the Applicant has obligations under the *Corporations Act 2001* to prepare an annual report with audited financial statements, that information may be used. If an audit opinion is qualified, the Applicant should provide a copy of the management letter accompanying the adverse audit opinion.

Applicants must provide financial statements for the past three (3) financial years, and/or any public annual reports containing these statements, including required declarations and audit reports. The same material must be supplied for a parent company if the Applicant is a majority-owned subsidiary.

[Guidance: Please be aware that not providing the required financial information will most likely result in the application being declined at the screening phase of the assessment process].

1.1. Have you supplied these documents for the full years 2004/05, 2005/06 and 2006/07 with your application for registration?

Audited Financial statements	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Accounts reviewed in line with AUS 902	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Public Annual Reports (if applicable)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Interim Audit reports (if applicable)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Letter accompanying adverse audit report (if applicable) Yes No

Parent company (if applicable)

Audited Financial statements Yes No

Accounts reviewed in line with AUS 902 Yes No

Public Annual Reports (if applicable) Yes No

Interim Audit reports (if applicable) Yes No

Letter accompanying adverse audit report (if applicable) Yes No

Supporting Information

1.2. If you have answered NO to any of question 1.1 which is applicable, please provide a detailed explanation as to why the relevant information has not been provided.

Statutory Declaration

A statutory declaration (at Attachment A) signed by your CEO, Principal, Partner or other appropriate authorised officer (as relevant) stating that no material events have occurred since the date of the audit report that would affect the overall validity of the audit report, is required.

1.3. Have you supplied the statutory declaration with your application for registration?

Yes No

Business Plan

[Guidance: It is suggested that the following information be contained in a single document. Applicants have to provide the level of information that would be sought by a potential investor in their business].

Overview of Australian Broadband Guarantee Business, Financial and Risk Management Plan

Please include in the document a summary of your intended Australian Broadband Guarantee business. Details should include, but not necessarily be limited to:

- (a) objectives and strategies;
- (b) access to funds;
- (c) financial viability on an ongoing basis (including expected Customer take-up);
- (d) financial forecasts for the duration of the program and indicative forecasts for the following three (3) years assuming no further government financial assistance;
- (e) demonstrated ability to continue to provide a Service under the Program;
- (f) type of technology;
- (g) Australian Broadband Guarantee Services proposed to be offered;
- (h) Customer service strategies;
- (i) Targeting, acquiring and retaining Customers;

- (j) timetable for business roll-out, including key milestones;
- (k) staffing levels and staffing structure;
- (l) sales and marketing plan;
- (m) Risk Management Plan including:
 - demonstrated awareness of key risks associated with your operations particularly in the context of the Australian Broadband Guarantee Program;
 - technical, financial and operational risks;
 - identification of the individual risks and their consequences,
 - lists of the likelihood of risk, priorities and risk levels; and
 - effective strategies to address these risks.

1.4. Have you supplied your Business, Financial and Risk Management Plan with your application for registration? *(Note, provision of this information is mandatory.)*

Yes No

Alternative Funding Sources .

In addition to funds disclosed in the most recent financial statements, please provide any other financial information and documentation that you believe supports the likelihood that your business will be adequately funded to be able to maintain a sustainable business for at least the next three (3) years. Including:

- the amount and details of any credit and/or funding facilities you have available to support and develop your business;
- bank or other guarantees you may have and/or indemnities from a parent company or related third party detailing funding amounts and availability;
- investment grade credit rating; committed capital raising; profitable existing business in the market with established brand; distribution network; absence, or very low level of existing borrowings.

1.5. Please list any attachments you have supplied in support for the above requirement. Where appropriate, please include information from your parent company or controlling business.

B. Operational Sustainability

National Police Certificate

[Guidance: To ascertain that Managerial staff have no criminal convictions, charges pending or other serious breaches as at the time of the application, a National Police Certificate listing the criminal history (if any) across all Australian police jurisdictions for each key members of your Board of Management and Management Team should be supplied. The Certificate should be recently obtained. However, DCITA will accept commensurate checks that have been conducted as part of other corporate or regulatory requirements, where appropriate. Provision of the statutory Declaration is mandatory].

1.6a) Do any members of your Board of Management or Management Team have any criminal convictions, charges pending or other serious breaches? If No, please supply

the required statutory declaration (at Attachment A) attesting that each Member of your Board and Management Team have no criminal conviction, charges pending or other serious breaches as at the time of application.

Yes (If YES, please provide full details below) No

Name:

Charge:

Status:

1.6b) Provide the names of your key Board of Management and Management Team below. Have you supplied the required National Police Certificates (NPC) for each key Member of the Board and Management Team?

[Guidance: add extra rows to the table if there is insufficient space].

Name	Position	PC attached Y/N
------	----------	-----------------

Relevant Board Experience

1.7a) Does your Board have six (6) years minimum combined industry experience at Board or senior executive level and at least two (2) Board Members with at least three (3) years industry experience each at Board or senior executive level. If you are a Partnership or other business type, do your partners/principals (as applicable) have at least six (6) years combined industry experience?

Yes No

[Guidance: It is recommended that each Curriculum Vitae include details of educational qualifications, companies worked for, experience at Board or senior executive level in telecommunications industry as a minimum requirement].

1.7b) Have you attached Curriculum Vitae for each key member of your Board of Management.

Yes No

[Guidance: It is recommended that the ASIC extract be dated not less than 15 business days prior to the date of the application].

1.7c) An ASIC Current and Historical company extract, including notification of directors' appointments, must be supplied. Is it attached?

Yes No

Organisational Structure

1.8. Applicants must provide a comprehensive explanation of the company structure and its relationship with any parent (or subsidiary) company/ies or other business, financial or legal partnerships. Please provide an organisational chart/diagram.

Management Team

[Guidance: It is recommended that each Curriculum Vitae include details of educational qualifications, companies worked for, experience in the telecommunications industry including major projects and timeframes.]

1.9a) Does your management team have at least six (6) years minimum, combined industry experience at senior management level and at least two (2) managers with at least three (3) years industry experience each at senior management level?

Yes No

1.9b) Have you attached Curriculum Vitae for each key member of your Management Team?

Yes

Part 2—Regulatory Issues

Criterion 2: Regulatory and Other Compliance Issues

[Guidance: Please refer to 3.5.2 of the Australian Broadband Guarantee Guidelines, particularly 'Information Required' for requirements to respond to the following questions. Both the provision of the statutory declaration and TIO membership are mandatory].

An assessment of the Applicant's regulatory obligations (and related matters) and obligations under former Government broadband programs will be considered against the following sub-criteria:

Basis of assessment

- Regulatory status: Applicants must demonstrate that they are up to date with lodgments and other statutory requirements with: ASIC, Australian Taxation Office (ATO), ASX, ACMA, ACCC and TIO.
- Compliance with past Australian Government broadband programs: Where applicable, Applicants must demonstrate satisfactory compliance with past Australian Government broadband funding programs, including the Higher Bandwidth Incentive Scheme (HiBIS), Broadband Connect, Metro Broadband Connect, the Australian Broadband Guarantee (transitional period), and the Coordinated Communications Infrastructure Fund (CCIF).
- Compliance with requirements of other state/territory and local government broadband funding programs: Applicants must demonstrate, if they are receiving funding from state/territory and local governments, which have similar objectives to the Australian Broadband Guarantee, that they are complying with the requirements of those program(s).
- Where the Applicant has received adverse compliance findings under past Australian Government broadband programs, the Applicant must demonstrate how it has addressed the issues and concerns raised in those compliance findings to the satisfaction of the Department.

In order for an Applicant to address the above assessment criteria, the Applicant must answer the following questions:

A. Regulatory Status

Lodgments

2.1a). Are you up to date with relevant statutory obligations (including lodgments) required by ASIC, ATO, ASX, ACMA, ACCC and TIO and have attested to this in your statutory declaration (Attachment A)?

Yes No (If NO, please explain)

2.1b). If applicable, please provide a statement identifying and giving the details of any alleged breaches of law/ material disputes being pursued by ASIC, ATO, ACMA, TIO or ACCC at the time of registration.

Other Funding

2.2 a) Have you received any other funding from the Australian Government, state/territory or local governments to assist you to provide the service you are applying to register as an Australian Broadband Guarantee Service?

Yes No

2.2 b) If Yes, please provide details.

Compliance and reporting

[Guidance: The Applicant must identify any significant non-compliance or Customer service issues identified as a result of any past events, and set out (if any) actions that have been taken to resolve the identified issues. Issues may be proposed, currently underway and not yet completed. Please note: Applicants that have had previous audit or compliance issues with previous programs must supply comprehensive details outlining how these issues have been addressed in order to give DCITA confidence that it will not happen again].

Please be aware that failure to disclose previous compliance issues will most likely result in the application being declined at the screening phase of the assessment process.

2.3 a) Do you have any previous or outstanding compliance issues (including reporting requirements) related to government funding programs in which you have participated and have attested to in your statutory declaration (Attachment A).

Yes No

2.3 b) If YES please detail the non-compliance and provide a comprehensive response outlining the measures put into place to resolve these issues.

Part 3—Service Solutions and Service Plans

Assessment Criterion 3: Service Solutions and Service Plans

[Guidance: Please refer to 3.5.3 of the Australian Broadband Guarantee Guidelines, particularly 'Information Required' for requirements to respond to the following questions].

Applicants must complete one (1) Part 3 for each Service Solution being offered (for example one for wireless, one for satellite).

The following will be taken into account in assessing the suitability of the Service Solution(s) and Service Plans being proposed.

Service Solutions

- **Material Investment:** The extent to which the proposed Service Solution amounts to “material investment” (see guidance below) in new infrastructure, rather than modification of existing infrastructure at minor cost. Applicants will be asked to detail the value of their investment in the infrastructure. Proposed new service coverage that results from modification of existing infrastructure, and that does not result in material new investment, will not be approved for registration as a Service Solution. Examples of investments DCITA would not consider material include:
 - software upgrades;
 - minor technical improvements to existing infrastructure, such as upgrading components, replacement of network cards, etc;
 - the realignment of existing infrastructure;
 - replacement and/or upgrade of CPE, where brought about by improvements in the network or not; and
 - realignment of satellite dishes.
- **Robustness and reliability of technology platform:** If the proposed technology platform is not already proven or deployed elsewhere on a wide scale, the Applicant must demonstrate the robustness of any new technological platform on which the service is to be supplied;
- **Scalability of Service Solution:** The ability of the Service Solution to be further developed and improved, enabling Customers to receive a higher level of Service;
- **Technical Capability of Key Operations Officer(s):** Details of the technical capability and experience of the Applicant’s Chief Technology Officer and/or Chief Operations Officer;
- **Adequate Technology support:** The Applicant has adequate systems to support the technology platform on which the service is to be supplied.
- **Use of Agents:** If the Applicant is using an Agent to sell its Services, the arrangements must ensure that:
 - The Applicant has full responsibility for the provision of the proposed service; and
 - The Applicant has in place appropriate control mechanisms and procedures governing the conduct of the agent(s).

Service Plans

- Threshold Service(s): Whether the proposed services comply with the requirements for metro-comparability, as set out in these Guidelines;
- Entry Level Service(s): Consistent with the definition in section 2.3.2 of the Guidelines, the extent to which the price is reduced below the Threshold Service level, and the extent to which the proposed service offers a cost-effective outcome for consumers;
- Added Value Services(s): Consistent with the definition in section 2.3.3 of the Guidelines, the extent to which the proposed service offers a cost-effective outcome for consumers, and adequately takes into account the subsidy being paid;
- Non-price terms and conditions: Whether the non-price terms and conditions are compliant with or exceed the requirements of the Australian Broadband Guarantee;
- Future commitments to service: The willingness of the Applicant to commit to offering the Service on at least as favourable arrangements (including price) to existing Customers once the mandatory three year term has expired;
- Readiness: The Applicant's ability to promptly offer and supply the proposed Threshold Service (and any other proposed Services); and
- Exit Strategy: Applicants proposed Exit Strategy meets the minimum requirements of DCITA's standard Exit Strategy (refer section 2.6.5).

In order for an Applicant to address the above assessment criteria, the Applicant must answer the following questions.

A. Applicant's Service Solution

3.1. Describe the Service Solution to be used including brand and product details.

Service Solution

Description

3.2. If this is a new technology, include information as to whether it has been approved for commercial use in Australia. Supply copies of any approval from relevant bodies to use the technology.

(Attach to the application).

Approved for commercial use in Australia?

Describe the degree of vendor support available for the equipment

3.3. Please provide details of any documented technical standards that cover the platform. In addition, data is required on operational testing of the platform and its ability to deliver the proposed Australian Broadband Guarantee Services on a reliable ongoing basis.

3.4a) Do you hold a current a carrier licence or have in force a Nominated Carrier Declaration (NCD) where required under the *Telecommunications Act 1997* (Please supply a copy of your licence, declaration or a statement from ACMA regarding your status).

Yes No

3.4b) If No, please provide advice from ACMA that an application is pending for a licence or Nominated Carrier Declaration OR a copy of legal advice or other documentation stating that you are not required to meet this obligation.

3.5a). Provide details that demonstrate that the proposed Service Solution amounts to material new infrastructure, and that significant cost would be incurred in implementing the new Service Solution.

Infrastructure Development and Deployment Costs <i>(complete all applicable items and insert 'NA' as appropriate).</i>		
<i>Satellite</i>		
Lease costs	Additional transponder lease costs	\$
Infrastructure site works	Equipment storage buildings	\$
	Access roads (if any)	\$
Networking equipment	Routers	\$
	Switches (if any)	\$
CPE	Equipment (per customer)	\$
	Installation (per customer)	\$
	Equipment (total)	\$
	Installation (total)	\$
Other	Specify (if any)	\$
	<i>Satellite Total</i>	\$
<i>Terrestrial Solutions</i>		
<i>Generic</i>		
Backhaul Infrastructure	Backhaul	\$
Networking equipment	Routers	\$
	Purchasing and installing switching equipment	
	Remote power reboot facility	
	Network controller	
Establishing uninterrupted power supply	Generators	\$
	Monitoring	
Infrastructure site works	Equipment storage buildings	\$
	Access roads	
	Secure enclosure and racking	
	Site rental costs	
Other	Specify (if any)	\$
	<i>Total</i>	
<i>Specific—Wireless</i>		
Additional Infrastructure	Towers	\$
	Transmitters	
	Power supply to Wireless tower	
Planning approval	Site acquisition	
	Geotechnical reports	

	Council permits Engineering reports	
CPE	Equipment (per customer) Installation (per customer) Equipment (total) Installation (total)	\$ \$ \$ \$
Other	Specify (if any)	\$
	<i>Wireless Total</i>	\$
<i>Specific—xDSL</i>		
	Networking access Backhaul costs	\$
DSLAM	DSLAM line cards DSLAM chassis DSLAM racks TEBA/ULL	\$
	Replacing a blocking PGS or RIM with systems that are capable of providing more than one service	\$
Power supply	Specify	\$
CPE	Equipment (per customer) Installation (per customer) Equipment (total) Installation (total)	\$ \$ \$ \$
Other	Specify (if any)	\$
	<i>xDSL Total</i>	\$

3.5b) How long (in months) would you anticipate being able to recoup investment in your proposed Service Solution and/or establish sustainable operations (i.e. without the support of ongoing Government incentive payments) with these facilities? If the time may vary between Service Areas, please indicate the period for each Service Area.

Capacity

3.6. Describe the total capacity to be provisioned for the service in:

- (a) the backhaul links; and
- (b) ISP Internet access links;
- (c) the contention ratio for the service;

Network

3.7a) Provide details on the architecture of your broadband network (at least back to the point of interconnection with upstream connecting networks), including details of proposed hardware, CPE, technical standards and protocols, spectrum use (where relevant), and network peering. *(Note: Schematic diagrams must be included.)*

3.7b) If this is a new technology that is not widely used in Australia, describe the extent to which the technology has been successfully deployed commercially elsewhere in Australia and/or overseas.

3.8. Describe the network management system including details of service monitoring and reporting for network availability and performance (in terms of data speed and throughput).

Technical risks

3.9. Provide information on any technical risks associated with the Service Solution and the strategies to mitigate these risks. Include vendor support arrangements and management of unlicensed spectrum, especially strategies in place to cope with the possibility of other providers interfering with or using the same spectrum. *(Copy and paste additional rows if required)*

Key technical risks	Priority	Strategy
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Only for Applicants proposing Satellite Services

3.10. Please provide details of your arrangements (both in-house and out sourced) for:

- (a) the purchase of transponder capacity

- (b) the purchase of CPE
- (c) installation of the CPE at the Customer premises
- (d) whether these services are purchased from an infrastructure provider/wholesaler/another ISP/other (please specify)?

B. Technical Staff

3.11. Provide the names of Chief Technology Officer (CTO) and/or Chief Operating Officer (COO) or the individuals fulfilling these functions in your organisation. Include summary information of their qualifications and experience (minimum two (2) years), including recent relevant major projects, tertiary qualifications (in IT, Communications Engineering or other relevant discipline), or technical competence. Are the CTO/COO employed on contract or on a consultancy basis, if so, provide the nature of this employment including contract dates.

- (a) Who holds the positions of CTO and/or COO in your organisation?

CTO COO

- (b) How many years' telecommunications industry experience and/or formal qualifications do these officers have?

CTO COO

- (c) Detail the major projects have they been involved in the past 5 years?

CTO COO

- (d) Are the people holding these positions on contract and if so, what is the expiry date of the contract?

CTO COO

- (e) Other information

3.12. Please complete the table regarding technical staff.

Average level of qualification of technical staff	
Average level of experience of technical staff	
Ratio of staff to customers	:
Capacity to employ additional technical staff	
Source of your technical expertise	In-house outsourced both

Outsourcing

3.13. If partially or wholly outsourced, please provide contract details including length of contract, types of services being offered, key performance obligations and timeframe for response.

C. Servicing Customers

Customer service

3.14. Provide details of your existing or proposed Australian Broadband Guarantee Services fault reporting service which must be free of charge and operate seven days a week and 24 hours a day. *(How do Customers access this service—free call number, facsimile, email, is an answering machine used at any time?).*

3.15. Provide details of your staffed helpdesk facilities that you propose to use for your Australian Broadband Guarantee Services. Include the hours you operate the helpdesk and how you publish these details.

3.16. Provide details of the complaint handling procedures that you propose to use for your Australian Broadband Guarantee Services. Please indicate whether complaints will be handled internally or outsourced. Include length of contract if outsourced. *(Provider must have a system in place prior to registration).*

3.17. Please provide an indicative timeframe (in hours or days) for the connection of your proposed Australian Broadband Guarantee Services (other than where a Customer requests or agrees to a longer timeframe or in exceptional circumstances)?

3.18. Please provide an indicative timeframe (in hours or days) for the restoration of your proposed Australian Broadband Guarantee Services in the event of a service outage or fault. Applicants are encouraged to list different categories of faults and exceptional circumstances that may warrant different response times?

Type of Fault/Outage	Likely effect on Customer	Response	Response time
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[Guidance: Agent is defined as – common law agent, contracted agent, retail outlet, authorised dealer, sales representative or other person or entity that is a representative of the applicant. The Applicant has full responsibility for the provision of the proposed Service].

Agents (if applicable)

3.19a) Provide a detailed description of arrangements in place for the agent(s) currently being used (or intend to use) to sell, on your behalf, the Services you provide (or intend to provide) to Customers.

Name and address of each agent.

Service Solutions and Service Plans proposed to be offered by the agent(s).

Provide full details and, as applicable, provide evidence of the type of contract/agreement in place with each agent(s)

Include procedures in place governing the conduct of the agent

[Guidance: It is not permitted under the Program for an Applicant/Provider to allow other parties to offer their Program services except where the party is a genuine agent of the Provider. Where an agency relationship exists, Customer Contracts will be with the Applicant/Provider (as principal) and the Customer, not the agent and the Customer].

3.19b) Provide a statutory declaration attesting to:

- the Applicant being the legal party contracting with the Customer to provide the Service; and
- the Applicant being responsible for the conduct of the agent(s) in relation to program activities undertaken by the agent on the Applicants behalf.

Billing System

3.20. Provide details of your customer billing system (both in-house and/or outsourced) that will be used for the proposed Australian Broadband Guarantee Services including customer capacity of data fields. If any element of the Customer billing system is outsourced, please provide details of the company involved and the processing components.

3.21. Please confirm that the proposed Australian Broadband Guarantee Service will include an online means to allow Customers to check their data usage on at least a daily basis.

Yes (Provide details of this feature and how it will be made available)

D. Technical Service

Network Upgrades

3.22. Describe the viable upgrade path that will enable you to supply a higher quality service over time. To what extent is the platform scalable to provide:

- (a) higher data speeds
- (b) increased data usage
- (c) symmetrical services

(d) lower latency

(e) other

3.23. If you have more than one Service Solution, describe how each Service Solution interacts with the other.

Data speeds

3.24. Describe how you have substantiated and tested the peak Data Speed for the service?

3.25. Please provide the rationale and calculations that show how you will achieve your expected average Data Speeds between 7.00 am and 11.00 pm. Please include the following information:

- The estimated maximum number of Australian Broadband Guarantee Services to be supported by each discrete set of (local) infrastructure to be used to provide the service; and
- The estimated service speed mix if applicable—i.e. the respective percentages or other Data Speed specifications.

3.26. Provide details of installed or planned test computers on your premises that will enable DCITA to test the performance of your proposed Australian Broadband Guarantee Services. Please explain how your test computers will provide DCITA with a representative view of the performance of your overall Australian Broadband Guarantee operations. Please include details on the geographic locations, network details and IP address of the test computers.

E. Applicant's Service Plans

[Guidance: Refer to 2.3.1-2.3.4 of the Guidelines for Threshold, Entry Level and Added Value Service requirements and information on bundling].

3.27. Please provide the details of all proposed Australian Broadband Guarantee Service Plans:

- in the summary table (Multiple Services Pricing Table) below; and
- in Attachment B.

<i>Service Plan Name/s</i>	<i>Peak Speed Kbps</i>	<i>Average Speeds Kbps</i>	<i>Data Usage (GB)</i>	<i>Install/ Connection costs</i>	<i>Hardware cost</i>	<i>Monthly cost</i>	<i>Total costs (over 36 months)</i>	<i>Contract length available (months)</i>

<i>Threshold Service</i>								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
<i>Entry Level Service</i>								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
<i>Added Value Services</i>								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	

TABLE 1—Multiple Services Pricing Table

3.28. Where applicable, please list any additional charges and fees (e.g. excess data, late fee) to be applied as part of the Australian Broadband Guarantee Threshold, Entry Level or Added Value Services. These must be included in your Terms and Conditions and must be approved by DCITA.

Description of Charge	Amount \$	Service Plan to which it applies
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3.29a) Is the monthly usage allowance for:

downloads only? uploads only? both?

3.29b) What other practices will be employed in relation to usage allowances and excess usage (e.g. additional charges and/or shaping)?

3.30. Please confirm that you will provide Customers with access to tools that will enable them to test the Data Speed of their Australian Broadband Guarantee Service, including providing links on your webpage to the DCITA customer data speed testing facility at www.bctest.com.au/speedtest.html.

Yes No

CPE

3.31. Where Customer Premises Equipment (CPE) is being included in the Australian Broadband Guarantee Service, will ownership of the CPE pass to the Customer, and if so, when, and on what basis?

3.32. CPE ports—what type of data port does the CPE need to have?

10/100 Ethernet USB IEEE-1394 PCMCIA Other (specify)

3.33. Please confirm that the network for your proposed Australian Broadband Guarantee services has a minimum 99 % availability during each three month period, excluding scheduled downtimes between midnight and 6am.

Yes No

Depots

3.34. If you have depots (for installers and equipment), please provide the full physical site address for each depot.

F. Exit Strategy

[Guidance: refer to 2.6.5 and 4.3.3 of the ABG Guidelines and the ABG Funding Deed on the DCITA website]

Applicants have to submit a proposed Exit Strategy setting out the Applicant's proposed plans in respect of the migration of Customers to other Service Plans, or Providers if they cease to offer a Service; or are de-registered from the Program (either voluntarily or otherwise).

The strategy below represents the minimum requirements for an acceptable Exit Strategy under the Program. Applicants seeking approval of an alternative Exit Strategy are expected to submit a strategy that either meets or exceeds these minimum requirements.

Australian Broadband Guarantee Standard Exit Strategy (as per Schedule 2 of the standard Australian Broadband Guarantee Funding Deed)

2.1. In the event of Your Registration as a Program Provider being terminated voluntarily or otherwise, You will:

- (a) honour Your contract with Your Customers;
- (b) if any of Your Customers elect to migrate to a comparable service offered by another Program Provider (if such a service is available), You will make arrangements for a seamless transition of Your Customers to the other Provider chosen by the Customer; and
- (c) where title to the Customer's CPE continues to reside with You, either:
 - i) remove the Customer's CPE only after the Customer has been transitioned to another Program Provider, at no cost to the Customer; or
 - ii) offer to sell the Customer's CPE to the other Program Provider referred to in Item 2.1(b) above if the same technology is used by that Provider.

2.2. In the event that You propose to withdraw a Service but continue Your Registration as a Program Provider, and this proposal to withdraw the Service(s) has been agreed in writing and signed by Us and You as required under subclause 29.2 of this Deed, You will:

- (a) give Your Customers at least 30 days written notice of the withdrawal;
- (b) offer to migrate the relevant Customers from the withdrawn Service to a comparable Service, if such a service is available; and
- (c) if no comparable Service is available, You will offer to migrate the relevant Customer to any one of Your Threshold Service(s), or Added Value Service(s) as chosen by the Customer.

- 2.3.If the Customer nominates to migrate to any one of Your Threshold Service(s) or Added Value Service(s), as applicable, You will give effect to the migration without any additional charge to the Customer.
- 2.4.In the event the Customer does not elect to migrate to any one of Your Threshold Service(s) or Added Value Service(s), as applicable, You will:
- (a) provide to the Customer the contact details of all registered Program Providers, that may be able to offer a comparable service to the Customer or details as to how they can ascertain such information; and
 - (b) provide reasonable assistance to the Customer in transferring to a new comparable service, with another Program Provider (if such a service is available) as chosen by the Customer;
 - (c) where title to the Customer's CPE continues to reside with You, either
 - i) remove the Customer's CPE only after the Customer has been transitioned to another Program Provider, at no cost to the Customer; or
 - ii) offer to sell the Customer's CPE to the other Program Provider referred to in Item 2.4(b) above if the same technology is used by that Provider.

3.35. Do you propose to use the standard Australian Broadband Guarantee Exit Strategy?

Yes No (*If No, please attach your Exit Strategy*).

G. Terms and Conditions

[Guidance: refer to section 4.3.3. of the ABG Guidelines]

All applicants seeking to register for the Australian Broadband Guarantee must submit a copy of the Terms and Conditions and the Acceptable Use Policy an Applicant intends to offer to Customers.

Applicants are required to enter into a contract (Terms and Conditions) with each Customer in relation to the terms and conditions governing the supply of the particular Service. These contract Terms and Conditions need to be submitted to DCITA as part of the application for Registration. DCITA's assessment of an Applicant's Terms and Conditions does not constitute an assessment in anyway of the appropriateness of these Terms and Conditions from a commercial perspective. It is a matter for each Applicant to determine what commercial terms and conditions should be contained in their Terms and Conditions, within the parameters of the Guidelines. It is also the Provider's responsibility to determine if it requires legal advice about such matters.

A Standard Form of Agreement is not able to be used for this purpose.

In drafting Terms and Conditions for use under the Australian Broadband Guarantee, Applicants should review the following provisions to ensure compliance:

- (a) **Maximum Terms**—Providers must offer their Customers the option to have a maximum contract period of no longer than 18 months. The Provider may also offer longer contract periods (for example, 24 months and 36 months), to Customers in addition to a maximum 18 month contract. Providers can offer Customers the option to have contracts with no minimum term, or a very short term with automatic renewal (for example, month by month) provided such arrangements do not result in loss by the Customer of access to Program approved Terms and Conditions and Program pricing during the three year period.
- (b) **Customer compliance**—Providers can include conditions that allow them to discontinue or change a service where it is demonstrated that the Customer has

breached the contract in relation to payment for Services, care of CPE or other reasonable conditions. However, Customers must be provided with adequate notice of any claimed breach of the contract, and with the opportunity to rectify any problems.

(c) Acceptable Use Policy—Where a contract makes provision for the use or introduction of an Acceptable Use Policy (AUP), the AUP must be reviewed by DCITA to ensure that it is consistent with these Guidelines prior to its use. There is no requirement on a Provider to place an AUP in their Deed, unless it forms part of the text of Terms and Conditions as a whole.

(d) Compliance with Government Legislation—Contracts must comply with all relevant Commonwealth, State, Territory and Local Government legislative requirements. Provider's are responsible for seeking their own legal advice that their contracts comply with legislative requirements.

(e) Consistency with Australian Broadband Guarantee Guidelines—The contract should not be inconsistent with the specific objectives and requirements of the Australian Broadband Guarantee (for example, service performance and data testing).

(f) Where the Australian Broadband Guarantee specific terms form part of a general terms—that the Australian Broadband Guarantee specific terms override the general terms, in the case of inconsistency.

(g) Personal information—DCITA requires Providers to obtain agreement from Customers, for the purposes of the Privacy Act 1988 (the 'Privacy Act'), to their Customer details being provided by the Provider to DCITA, and potentially other appropriate agencies for the purposes of program administration, regulation and evaluation, and policy development.

(h) No assignment without consent—DCITA requires the Provider to include a provision in the contract which specifies that the Provider shall not assign the whole or part of the contract to another party without the prior written consent of the Customer. A Provider has the option to impose a similar prohibition against assignment by the Customer to another party. Examples include:

- situations where a Provider assigns the responsibility for installation and maintenance of CPE, or the provision of help desk services to another company;
- where a Customer moves from Premises where a Service has been Connected and Supplied and allows the Service and CPE to be used by the new occupant of the Premises.

(i) Exit Strategy—The Terms and Conditions are to include appropriate provisions which are consistent with the Provider's Exit Strategy. For example, DCITA requires the Provider to include provisions in the customer contract which:

- specify that in the event that the Provider's Registration is terminated (voluntarily or otherwise) that the Customer may elect to terminate the customer contract;
- specify that in the event that the Customer's Service is withdrawn, the Provider will:
 - give the Customers at least 30 calendar days written notice of the withdrawal and offer to migrate the Customer from the withdrawn Service to a comparable Service, if such a service is available; or if no comparable Service is available, offer to migrate the Customer to any of its Threshold Service(s), or Added Value Service(s) as chosen by the Customer; and
 - give the Customer the option of terminating the contract if they are not satisfied with the comparable service offerings; and

- specify which party owns the CPE (or if applicable, details when ownership of CPE transfers from the Provider to the Customer).

As outlined in section 2.6.5 of the Guidelines, the Provider may wish to further specify Exit Strategy commitments. For example, a Provider may wish to, but is not obliged to, include a provision relating to offering the Customer a negotiated arrangement with an incoming Registered Provider. DCITA will assess any other further proposals. A full copy of the Exit Strategy is provided in the sample Funding Deed on DCITA's website.

Any changes to Customer Terms and Conditions during its operation must be approved by DCITA before they are implemented and approved by the Customer. Providers are also expected to provide impacted Customers with written notice of the change, once effected.

The Provider must ensure that its Customers have been provided with the Terms and Conditions, prior to signing their contract, indicating the potential scope of the document and how it might be applied to their service.

[Guidance: These Terms and Conditions must be cleared by DCITA prior to the Provider's registration under Australian Broadband Guarantee].

3.36. Have you attached your proposed Australian Broadband Guarantee Terms and Conditions? *[Note: provision of this information is required and should include your Australian Broadband Guarantee Customer Contract and any Australian Broadband Guarantee Acceptable Use Policy].*

Yes

No

Part 4—Service Area/s

Criterion 4: Service Areas

[Guidance: Please refer to 3.5.4 and 3.6 of the Australian Broadband Guarantee Guidelines, particularly 'Information Required' for requirements to respond to the following questions.]

Applicants are assessed on the basis that:

- The Applicant can demonstrate they will provide their proposed Service(s) to the vast majority of premises within the Service Area;
- The proposed Service Area fits efficiently with the Applicant's existing broadband network;
- The services to be offered are of high quality, scalable and sustainable beyond the life of the Australian Broadband Guarantee;
- The proposed Service Area complements the roll-out of wholesale broadband services by OPEL Networks (i.e. the Service Area is registered where a roll-out is not due to occur for at least six months); and
- The Service Areas can be activated in a timely manner. This would normally be within sixty (60) calendar days from the time of registration unless the Applicant can demonstrate that a longer period is reasonably required. Where a roll-out schedule has been agreed by DCITA, then the Service Area must be activated within thirty (30) calendar days of the date nominated by the Applicant/Provider as the activation date.

Important points for Applicants in determining their proposed Service Areas

Service Areas for proposed:

Satellite Broadband Services - the whole Program area or any area within the Program Area (for example, a single state or territory) may be registered as a Service Area.

Terrestrial Broadband Services - the proposed Service Area for an Applicant/Provider is not a Service Area registered by that Applicant/Provider under HiBIS or the Broadband Connect Incentive Program where at least one incentive payment was claimed under either of those programs.

DCITA may consider an application by an Applicant to register a terrestrial Service Area(s) in which an incentive payment was claimed by that Applicant for the same broadband infrastructure under previous programs where the Applicant can demonstrate the following:

- (a) The proposed Service Area or whole of region network is supported under state/territory and/or local government programs for the expansion of broadband infrastructure; and
- (b) The whole of region network has community support; and
- (c) The network is sustainable, scalable and can provide a quality broadband service beyond the life of the Program; and
- (d) There were special circumstances applying that prevented the Applicant from claiming the planned amount of incentive payments under previous programs; and
- (e) Further incentive payments are required to make the network sustainable into the future.

In addition DCITA will consider, on a case-by-case basis, applications to register a terrestrial Service Area(s) in which an incentive payment was claimed by that Applicant/Provider for the same broadband infrastructure under previous programs where the Applicant can demonstrate the following:

- (a) The Service Area will be serviced with a new or non-standard service solution, being special equipment (such as a high gain antenna at the Customer premises) required to extend the existing service to premises within the Service Area not capable of being provided with a Metro-comparable Service using the standard equipment;
- (b) The Applicant can demonstrate that the new or non-standard Service Solution, rather than its existing service solution, is necessary to provide Metro-comparable Services to under-served premises within the Service Area;
- (c) The new Service Solution will incur material additional costs;
- (d) The Applicant can demonstrate that a partial payment is necessary to enable Metro-comparable Service delivery to the premises.

In these circumstances, if the new Service Area is approved and the Provider is registered under the Program, DCITA will determine at its discretion whether a partial incentive payment to apply to these premises. This partial payment will be based on the additional cost of the new service solution, and will be standardised, to the greatest extent possible, for all Applicants/Providers applying that particular type of service solution.

In order for an Applicant to address the above assessment criteria, the Applicant must answer the following questions.

A. Proposed Service Areas

Important: Data provided to the Department should be provided electronically in a Geographic Information System (GIS) format, preferably in Mapinfo vector TAB file spatial format, in GDA94 projection. If spatial data cannot be provided, infrastructure locations may be provided as latitude and longitude co-ordinates (**in decimal degrees**) with a specified radius of coverage around them.

Satellite Broadband Services—A description of the proposed Service Area: Service Areas may be immediately Registered (subject to the Applicant meeting all selection criteria as defined in these Guidelines) in any part of the Program Area (including the whole Program Area) where Providers can demonstrate an ability to provide Services to Customers who cannot access a Metro-comparable Service (as set out in section 2.2 of the Guidelines);

Terrestrial Broadband Services—A description of the Service Area, including copies of maps (preferably in MapInfo.tab file format) showing the Service Area and any major parts of the Service Area where coverage may not be achieved (for example, mountainous terrain). Applicants should contact DCITA if they wish to use another mapping format. Service Area applications may be rejected if there is insufficient information provided.

[Guidance: Provision of accurate spatial data in the compliant format will allow DCITA to clearly understand your proposed coverage area and compare it with other proposals. Applicants should contact DCITA if they wish to use another Mapping format. Service Area applications may be rejected if there is insufficient information provided.]

4.1. Please provide maps (preferably in MapInfo vector TAB file spatial format, in GDA94 projection) and a description of your proposed Australian Broadband Guarantee Service Area(s) where services are to be offered and supplied. Any caveats or restrictions in relation to coverage should also be detailed.

[Guidance: You must be able to Connect and Supply the first Customer: a) within sixty (60 calendar) days of the time of registration of the Service Area or such other similar period as can be demonstrated to be required to implement the required infrastructure; and b) within thirty (30) calendar days of the date on which you have indicated on the submitted agreed schedule that the Service Area will become operational. Applicants should submit a roll-out schedule detailing the areas in which they will offer services].

4.2. When will Services be offered to Customers? Applicants are required to provide a roll-out schedule detailing where and when Services will be offered.

4.3. Demonstrate how the new Service Area(s) fit with your existing network (describe any overlap).

4.4. Please provide any information that would substantiate that the proposed new Service Area is inadequately served by existing providers, and is likely to contain significant numbers of under-served premises.

[Guidance: In relevant circumstances, Applicants may be assessed on the extent to which they have collaborated with, and taken into account the views and interests of community, local government and regional organisations e.g. effective liaison and possible collaboration with states and territories in regard to their regional development strategies].

4.5. Please indicate any community or other government support you have for the roll-out of broadband services into the proposed new area. Include plans for any future ongoing consultation with relevant communities/organisations and the objectives of these consultations.

4.6. Which Service Solutions and Service Plans will apply in these Service Area(s)?

Checklist—Part 1-4

Please use the following checklist to ensure you have supplied all the appropriate documentation as requested.

<i>Section</i>	<i>Document/s</i>	<i>Type of document</i>	<i>Attached Y/N</i>
Identification and contact information	Copy of document providing evidence of any registered business name/s.	Copy of registered business name/s	
1.1	Audited financial statements or accounts reviewed in line with AUD 902, annual reports, audited reports for the last three years for the Applicant and where relevant for a parent company.	Audited financial statements/annual reports etc	
1.3	Statutory Declaration—no material events have occurred since the date of the audit report that would effect the overall validity of the audit report.	Statutory Declaration	
1.4	Business, Financial and Risk Management Plan	One document	
1.5	Any attachments e.g. bank or other bonds, guarantees, indemnities, investment credit rating.	Copies of bonds, guarantees etc	
1.6a	Statutory Declaration—each member of your Board of Management and Management Team have no criminal convictions, charges pending, or other serious breaches as at the time of application.	Statutory Declaration	
1.6b	National Police Certificate for key members of the Board of Management and Management team	National Police Certificates	
1.7b	CVs of key members of Board of Management	Curriculum Vitae	
1.7c	ASIC Historical Company Extract	Extract	
1.8	Organisational Chart or Diagrams (if not contained in answer box)	Diagram or chart	
1.9b	CVs of key members of Management Team	Curriculum Vitae	
2.1a	Statutory Declaration—up to date with lodgments and other statutory requirements with ASIC,ATO,ACMA,ACCC, TIO and ASX (as applicable)	Statutory Declaration	
2.3a	Statutory Declaration—the applicant has no previous or outstanding compliance and reporting requirements related to government funding programs in which it has participated.	Statutory Declaration	
3.2	New Technology—Approval from appropriate bodies where required.	Copies	

3.4a	ACMA licence/declaration and/or statements where required.	Copy of licence	
3.4b	ACMA - Legal advice or other documentation re no requirement to apply	Copy of advice	
3.7a	Schematic diagrams of broadband network (if not contained in answer box)	Diagram	
3.19b	Statutory Declaration—the Applicant is the legal party contracting with the Customer to provide the Service and the Applicant is responsible for the conduct of any Agent/s in relation to Program activities.	Statutory Declaration	
3.34	Exit strategy (if different to standard Exit Strategy)	Document	
3.35	ABG Terms and Conditions (including AUP and Customer Contract)	Document	
4.1	Maps—Information should be provided in electronic spatial form suitable for use in geographic information systems (GIS), preferably using MapInfo tab file format and GDA94 projection.	maps MapInfo tab file format	
Attachment A	<p>Sample Statutory Declaration can be used to attest to:</p> <ul style="list-style-type: none"> • no material events have occurred since the date of the audit report that would effect the overall validity of the audit report. • each member of your Board of Management and Management Team have no criminal convictions, charges pending, or other serious breaches as at the time of application. • up to date with lodgments and other statutory requirements with ASIC, ATO, ACMA, ACCC, TIO and ASX • the applicant has no previous or outstanding compliance and reporting requirements related to the government funding programs in which it has participated. • the Applicant is the legal party contracting with the Customer to provide the Service and the Applicant is responsible for the conduct of any Agent/s in relation to Program activities. 	Statutory Declaration	
Attachment B	Service Plans Specifications	Document	

Authorisation

I certify that the above details provided by me are true and correct and I am duly authorised by my organisation to make this application on its behalf.

My organisation acknowledges that on acceptance of this application (and the accompanying application for registration as an Australian Broadband Guarantee provider) my organisation will be required to enter into a Funding Deed with DCITA for the purposes of the Australian Broadband Guarantee.

Signature of duly authorised person	
Printed name of signatory	
Position of authority	
Contact details (if different to those in part 1 above)	
Direct telephone number:	
Email:	
Date:	

Attachment A—Sample Statutory Declaration

1 *Insert the name, address and occupation of person making the declaration*

I,¹

make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3

4 *Place*

Declared at ⁴

5 *Day*

on ⁵

of ⁶

6 *Month and year*

Before me,

7 *Signature of person before whom the declaration is made (see over)*

7

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

8

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years—see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959*—see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor; Dentist; Legal practitioner ; Medical practitioner; Nurse; Optometrist; Patent attorney; Pharmacist; Physiotherapist; Psychologist; Trade marks attorney; Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

Attachment B—Service Plan Specifications

[Guidance: Space is provided below for listing Service Plans. Should you require additional space for further plans please copy and paste the applicable Service specifications for the additional services. Please include the name of each Service Plan next to Threshold, Entry Level and Added Value Service e.g. Threshold Service: Comet TS 512A, Entry Level: Meteor ELS 256B, Added Value Service: Galaxy AVS 1500C].

Applicants should not alter this attachment. Compliance will allow DCITA to quickly populate a deed should an application be approved.

Threshold Service(s) with the following specifications:

- (a) Threshold Service: _____ ;
- i) All necessary CPE to enable the provision of the Service at the required performance levels;
 - ii) Peak download Data Speed: _____ kbps;
 - iii) Peak upload Data Speed: _____ kbps;
 - iv) Expected average (or minimum) download Data Speed: _____ kbps;
 - vi) Expected average (or minimum) upload Data Speed: _____ kbps;
 - vii) Monthly usage allowance: _____ GB;
 - viii) Monthly access fee: \$ _____ ;
 - ix) Installation: \$ _____ ;
 - x) Connection fee:\$ _____ ;
 - xi) Hardware: \$ _____ ;
 - xii) Excess usage (downloads/uploads): _____ c/MB;
 - xiii) Three-year package price: \$ _____ ;
 - xiv) Service Solution(s): refer to sub item 3.1 (a) above.

- (b) Threshold Service: _____ ;
- i) All necessary CPE to enable the provision of the Service at the required performance levels;
 - ii) Peak download Data Speed: _____ kbps;
 - iii) Peak upload Data Speed: _____ kbps;
 - iv) Expected average (or minimum) download Data Speed: _____ kbps;
 - vi) Expected average (or minimum) upload Data Speed: _____ kbps;
 - vii) Monthly usage allowance: _____ GB;
 - viii) Monthly access fee: \$ _____ ;
 - ix) Installation: \$ _____ ;
 - x) Connection fee:\$ _____ ;
 - xi) Hardware: \$ _____ ;
 - xii) Excess usage (downloads/uploads): _____ c/MB;
 - xiii) Three-year package price: \$ _____ ;

xiv) Service Solution(s): refer to sub item 3.1 (a) above.

Entry Level Service(s) with the following specifications:

(c) Entry Level Service: .

i) All necessary CPE to enable the provision of the Service at the required performance levels;

ii) Peak download Data Speed: kbps;

iii) Peak upload Data Speed: kbps;

iv) Expected average (or minimum) download Data Speed: kbps;

vi) Expected average (or minimum) upload Data Speed: kbps;

vii) Monthly usage allowance: GB;

viii) Monthly access fee: \$;

ix) Installation: \$;

x) Connection fee:\$;

xi) Hardware: \$;

xii) Excess usage (downloads/uploads): c/MB;

xiii) Three-year package price: \$;

xiv) Service Solution(s): refer to sub item 3.1 (a) above.

(d) Entry Level Service: .

i) All necessary CPE to enable the provision of the Service at the required performance levels;

ii) Peak download Data Speed: kbps;

iii) Peak upload Data Speed: kbps;

iv) Expected average (or minimum) download Data Speed: kbps;

vi) Expected average (or minimum) upload Data Speed: kbps;

vii) Monthly usage allowance: GB;

viii) Monthly access fee: \$;

ix) Installation: \$;

x) Connection fee:\$;

xi) Hardware: \$;

xii) Excess usage (downloads/uploads): c/MB;

xiii) Three-year package price: \$;

xiv) Service Solution(s): refer to sub item 3.1 (a) above.

Added Value Service(s) with the following specifications:

(e) Added Value Service: .

- i) All necessary CPE to enable the provision of the Service at the required performance levels;
- ii) Peak download Data Speed: kbps;
- iii) Peak upload Data Speed: kbps;
- iv) Expected average (or minimum) download Data Speed: kbps;
- vi) Expected average (or minimum) upload Data Speed: kbps;
- vii) Monthly usage allowance: GB;
- viii) Monthly access fee: \$;
- ix) Installation: \$;
- x) Connection fee:\$;
- xi) Hardware: \$;
- xii) Excess usage (downloads/uploads): c/MB
- xiii) Three-year package price: \$;
- xiv) Service Solution(s): refer to sub item 3.1 (a) above.

(f) Added Value Service: .

- i) All necessary CPE to enable the provision of the Service at the required performance levels;
- ii) Peak download Data Speed: kbps;
- iii) Peak upload Data Speed: kbps;
- iv) Expected average (or minimum) download Data Speed: kbps;
- vi) Expected average (or minimum) upload Data Speed: kbps;
- vii) Monthly usage allowance: GB;
- viii) Monthly access fee: \$;
- ix) Installation: \$;
- x) Connection fee:\$;
- xi) Hardware: \$;
- xii) Excess usage (downloads/uploads): c/MB;
- xiii) Three-year package price: \$;
- xiv) Service Solution(s): refer to sub item 3.1 (a) above.