



Australian Government

Australian Broadband Guarantee

Australian Broadband Guarantee 2008–09

Full Application Form

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Information for Applicants

All applicants are required to read and understand the Australian Broadband Guarantee Guidelines before applying. The Department of Broadband, Communications and the Digital Economy (the Department) is also available to meet with applicants to discuss specific questions in relation to the application process. Contact abgproviders@dbcde.gov.au.

Providers registered under the Australian Broadband Guarantee in 2007–08 with no outstanding compliance issues or material changes that require full assessment have been invited to register under the Program in 2008–09 through a fast-track application process and are not required to complete this particular form.

The following points are provided as general guidance to applicants:

Responding to Questions

- Applicants should carefully consider what is being sought in each question and seek clarification from the Department if necessary.
- The Department seeks a comprehensive response to each question and welcomes any additional information that may assist in the assessment process. Avoid references to websites, attachments or brief statements such as “Our network will use Wimax, see www.apertonet.com”. A more appropriate answer might be:

We propose further deployments of WiMAX-based infrastructure using Brand X transmission and customer premises equipment. Brand X is certified to be WiMAX Forum and IEEE certified. The network will be supported by Brand Y routing and switching systems which are compliant with carrier grade requirements. Relevant components include redundant power supply systems which can be activated remotely to minimise outages. In addition, central processing units are supported by uninterruptible power supply systems. Backhaul access to the network has been negotiated with Supplier A to provide connections between Town A, Town B and Town C, and we will utilise our own 150 Mb/Sec pre-existing backhaul network connecting the Region with Capital City. All relevant council and ACMA licences have been approved for this network. Further details are supplied at Attachment A.

- Applications will be assessed on the material submitted, and revisions to applications after the Registration Round closing date will not be accepted.
- The Department reserves the right to decline further assessment of an application if one or more criteria are not addressed to the Department’s satisfaction.
- In exceptional circumstances, 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 time frame, the application may be declined.
- Applicants should ensure consistency between every copy of the application (i.e. the two hardcopies and the electronic copy).

Financial Viability

- Applicants should make a substantial case for their company's financial viability that is in accordance with the selection criteria.
- Any applicant subject to any significant changes to its management, entity structure, ownership or any other material changes to the business during the period its application is being assessed must notify the Department as soon as possible after such decisions are taken.

Service Solutions and Service Plans

- Ensure that you have provided adequate evidence of ownership and/or control of your broadband infrastructure.
- Include evidence of the scalability of your Service Solution, that it can be further developed and improved in the future.

Customer Contract Terms and Conditions

- A new requirement for 2008–09 is that Providers must incorporate Australian Broadband Guarantee Core Contract Provisions into Australian Broadband Guarantee customer contracts. It should also be noted that a Standard Form of Agreement, as defined under the *Telecommunications Act 1997*, is not acceptable for the purposes of this program.

Statutory Declaration

- Applicants should ensure that their statutory declaration is valid, signed, dated and witnessed, contains the relevant clauses. The Department must receive the original signed by the CEO, Principal, Partner or other appropriately qualified officer of the company /partnership. Copies of statutory declaration or electronic signatures will not be accepted by the Department.

How to complete this application form

The application form to register for the Australian Broadband Guarantee 2008–09 has been designed to provide guidance in italics and includes five parts which should all be completed:

- Section 1—an initial screening section
- Section 2—an 'Identification and Contact Information' page
- Section 3—Part 1—Financial Viability and Operational Sustainability
Part 2—Regulatory and Other Compliance Issues
Part 3—i) Service Solution/s; and
ii) Service Plans; and
Part 4—Service Areas.
- Section 4—Authorisation and Statutory Declaration page including a list of declared matters to which a duly authorised person (CEO etc.) must attest.
- Appendix A—checklist to assist you organise your attachments.

The applicant must provide two (2) complete, unbound, signed and dated copies of the application accompanied by one (1) complete electronic copy on CD-ROM or DVD-ROM. The electronic copy must be provided in an **unlocked** PDF format or Microsoft

compatible format or be accessible using Microsoft tools. Applications received by email will not be accepted. Geo-spatial information such as maps should be provided in MapInfo TAB file format.

The Department will not accept applications submitted on forms that have been modified to change questions or on forms used under previous Australian Broadband Guarantee registration rounds.

Completed applications and attached documents for the Australian Broadband Guarantee 2008–09 are to be sent to the following address and must be received by the Department by 5.00pm AEST on Friday 29 August 2008.

Australian Broadband Guarantee 2008–09 Applications
Australian Broadband Guarantee
Broadband Infrastructure Branch
Department of Broadband, Communications and the Digital Economy
Post: GPO Box 2154
CANBERRA ACT 2601

Courier: 38 Sydney Avenue, Forrest, ACT
Telephone: (02) 6271 1772 (courier only)

Disclaimer

Please note that this Application for Registration 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.

1. Screening of Applicants

Have you read and understood the Australian Broadband Guarantee Guidelines 2008–09 at:

www.dbcde.gov.au/communications_for_business/funding_programs__and__support/broadband_guarantee.

Yes No *It is a mandatory requirement that applicants have read and understood the Guidelines.*

Basis of preliminary assessment (Stage One Screening)

Guidance: These screening criteria provide prospective applicants with the opportunity to ascertain if they should proceed any further with their application. If you are unable to answer NO to questions A–C, and YES to questions D–J your application may be declined at the screening stage.

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

Yes No

If YES, you are not eligible to apply

B. Do you propose to resell another ISPs end-to-end wholesale terrestrial broadband service?

Yes No

If YES, you are not eligible to apply.

C. Do you propose to resell another ISPs end-to-end wholesale Satellite Broadband Service?

Yes No

If YES, you are not eligible to apply.

Application for registration under the Program is open to all ISPs who are members of the TIO Scheme, as the date of the application, as required by the Telecommunications (Consumer Protection and Service Standards) Act 1999.

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

Yes No

If NO, you are not eligible to apply.

E. Do you have experience in deploying broadband infrastructure?

Yes No

If NO, you are not eligible to apply.

Guidance: If an Applicant answers NO to one or more parts of the question (F) and is not able to adequately demonstrate (through supporting materials) alternative and ongoing sources of financial support, the application may be declined.

F. In an analysis of your business' most recent financial statements, are the following benchmarks met:

a. Current ratio of greater than 1 Yes No
(current assets / current liabilities)

- b. Quick ratio of greater than 1 Yes No
(current assets less inventory less debtors / current liabilities)
- c. Debt to equity ratio of less than 2 Yes No
(interest bearing debt / equity)
- d. Times interest cover of greater than 3 Yes No
(profit less interest and tax / interest expense)
- e. Positive profit ratios without declining profitability Yes No
(net profit / revenue and net profit / total assets)
- f. Do you have other information that will support Yes No
 your financial position?

Guidance for question G: If an Applicant fails to make a full disclosure and/or fails to demonstrate how they have rectified or will rectify any past compliance problems, their application may be declined.

G. During your participation in other past or present Government (Commonwealth/State/Territory) broadband funding program(s), did you meet all compliance requirements?

Yes (*go to question H.*) No

If NO have effective strategies been put in place to address these issues?

Yes No

H. Do you have evidence of ownership or leasing arrangements in respect of the infrastructure to be used to supply the ABG service?

Yes No

Guidance: Refer to section 3.5.1 of the Guidelines for question I.

I. Do you have audited financial statements for the last complete financial year (2006/7) or financial statements reviewed to AUS 902 standards?

Yes No

Do you have financial statements, whether or not audited or reviewed under AUS 902, for the two financial years 2004–05 and 2005–06?

Yes No

J. Are you able to satisfactorily address the criteria in sections 3.5.1.–3.5.4 of the *Australian Broadband Guarantee Guidelines* and provide a completed application form with all support documentation by the due date?

Yes No

2. Identification and Contact Information

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

Australian Broadband Guarantee (full program)? 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)

Q1.2 Have you supplied your business's most current audited or (if not available) reviewed year to date financial statements (in line with AUS 902) as at 31 March 2008 (or if unavailable, as at 31 December 2007)?

Yes No

Guidance: Documents that may be provided for Q1.3 d) may include current bank statements, current financial statements, details of assets and liabilities held by individuals or any other documentation to demonstrate financial capacity. Where possible the information should be independently verified by an appropriately qualified professional (for example an auditor or valuation expert).

Supporting information

Q1.3 Have you supplied additional information and documents to demonstrate your financial viability including:

a) evidence that the company is currently solvent?

Yes No

b) a demonstrated history of profitability or the ability to have absorbed losses?

Yes No

c) financial forecasts indicating the future profitability of the company (based on historical operations and future plans. Reliance on funding received under this program is not sufficient to demonstrate financial viability)?

Yes No

d) documents from another party (*e.g. bank, Director, shareholder, related company*) upon whom you rely to supply ongoing financial support. If YES the following evidence must be supplied:

i) a commitment from that other party to you pertaining to the ongoing financial support they will provide for the duration of the Program should you be successfully registered (*by way of a letter from a bank or corporate entity, or by way of a statutory declaration from an individual*)

Yes No

ii) verification that the other party has the financial capacity to provide the proposed support?

Yes No

Alternative Funding Sources

In addition to funds disclosed in the most recent financial statements, please provide any additional financial information and supporting documentation that you believe proves that your business will be adequately funded and sustainable for at least the next three (3) years. For example:

- 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. Please provide full details including amount, nature of arrangement 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.

Q1.4. Please list any documents you have supplied in support for the above requirement. Where appropriate, include information from your parent company or controlling business (or other arrangements).

Australian Broadband Guarantee Business, Financial and Risk Management Plan

Guidance: include a summary of your intended Australian Broadband Guarantee business in the plan. Note, provision of this information is mandatory. 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) strategies for 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.*

Q1.5. Have you supplied your Business, Financial and Risk Management Plan with your application for registration?

Yes No

B. Operational Sustainability

Q1.6 Provide the names of all your Directors (or Partnership or Proprietor, as the case may be) and Senior Managers below.

Directors

Name

Position

Senior Managers

Name	Position
------	----------

National Police Certificate

Guidance: Please ensure that your National Police Certificates are current (i.e. the Certificates must have an issue date that is 21 days or less prior to the date of application).

Q1.7 a) Provide National Police Certificates for each of your Directors and Senior Managers. Do any members of your Directors and Senior Managers have any criminal convictions, charges pending or other serious breaches?

Yes No (go to question 1.8)

Q1.7 b) If YES, please provide full details below.

Name:

Charge:

Status:

Relevant Board Experience

Q1.8 a) Do your Directors have a minimum of six (6) years combined industry experience at Board or senior executive level?

Yes No

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

Q1.8 b) Have you attached a comprehensive Curriculum Vitae (detailing relevant qualifications, roles and relevant industry history showing relevant dates, projects managed, positions and companies worked for) for each of your Directors?

Yes No

Q1.8 c) Have you attached an ASIC Current and Historical company extract, including notification of directors' appointments, must be supplied?

Yes No

Corporate Structure (if applicable)

Guidance: Please provide an organisational chart/diagram for the next 2 questions. Depict in the chart/diagram and provide an explanation of, any relationship with any parent (or subsidiary) company or other business, financial or legal partnerships.

Q1.9 Do you have any financial or other relationship(s) with other entities? If so please provide comprehensive information to explain the relationship(s) including a diagrammatic representation of the interaction between these entities.

Organisational Structure

Q1.10 Applicants must provide a comprehensive diagram explaining the company structure including names of senior staff as well as their positions.

Management Team

Q1.11a) Does your senior management team have a minimum of at least six (6) years combined industry experience at senior management level?

Yes (go to question 1.11) No

If No, provide comment:

Q1.11b) Have you attached a comprehensive Curriculum Vitae (detailing relevant qualifications, roles and relevant industry history showing relevant dates, projects managed, positions and companies worked for) for each of your senior managers?

Yes (go to Part 2) No

If No, provide comment:

Part 2—Regulatory Issues and Other Compliance Issues

Guidance: Refer to section 3.5.2 of the Guidelines. The Applicant must identify any significant non-compliance issues arising under their participation in other past or present Government (Commonwealth/state/territory) broadband funding programs. This may include adverse audit findings, a significant number of consumer complaints and TIO investigations, and any audit investigations that may be planned or currently underway. The Department may consult with relevant Commonwealth/state/territory authorities on significant non-compliance issues identified by Applicants to verify statements made by Applicants.

The Department may also take into account the general conduct of Applicants (including their Agents and related parties) under Past Programs and in the marketplace, and their responsiveness in addressing any compliance issues.

Note: ‘Past Programs’ refers to the Higher Bandwidth Incentive Scheme, Broadband Connect, Metro Broadband Connect, Australian Broadband Guarantee (transitional period), Australian Broadband Guarantee (2007–08) or any other Government programs providing access to a Metro comparable Broadband Service.

If an Applicant does not disclose or does not address past compliance issues, their application may be declined at Stage 1.

	Past Programs (broadband)	Present Australian Government (Commonwealth/state/territory) broadband program	Other state/territory and local government funding programs
2.a) Describe compliance matter(s)			
b) If not addressed, state reason			
c) If addressed, describe how			
d) State whether any compliance strategies have been approved by the appropriate body (department or relevant state/territory or local government body).			

2.1. 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.

Regulatory Status

Nominated Carrier Licence or Declaration

2.2a) Do you hold a current a carrier licence or have in force a Nominated Carrier Declaration where required under the *Telecommunications Act 1997*? (Please attach a copy of your licence, declaration or a statement from ACMA regarding your status).

Yes No

2.2b) If No, please provide advice from ACMA that an application is pending for a licence or Nominated Carrier Declaration OR a copy of advice or other documentation confirming that you are not required to meet this obligation.

Lodgements

2.3. Are you up to date with relevant statutory obligations (including lodgements) required by ASIC, ACMA, ACCC, ASX, the ATO and TIO?

Yes (go to question 2.4) No

If NO, please explain:

Other Funding

2.4a) Have you received or will you receive 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 (go to Part 3)

2.4b) If Yes, please provide details:

Part 3—Service Solutions and Service Plans

Guidance: Refer to section 3.5.3 of the Guidelines. (Evidence that demonstrates for example, ownership or leasing details of towers, includes copies of valid site licences and relevant certificates of currency, MAC addresses and serial numbers).

If an Application does not provide evidence to demonstrate current operation of infrastructure, it may be declined at Stage 1.

Q3. Please supply evidence to demonstrate both your business's current operation as a broadband infrastructure provider, and that you have experience in deploying broadband infrastructure rollouts:

1. Applicant's Service Solution

Service Solution

Q3.1a). Describe the Service Solution to be used including brand and product details.

Service Solution:

Description:

Guidance: Refer to 3.5.3.1 of the Guidelines. In order to be eligible to claim Level 1 Incentive Payments for Upgrade Services, the Applicant must register the proposed Upgrade Service Solution in its own right, and must have a Service Plan in place for the relevant Services.

Proposed Upgraded Service Solution (if applicable)

Q3.1b). If you propose to upgrade your current network in order to offer metro-comparable broadband services, please provide full details of the enhancements required.

Guidance: The Department encourages installation and use of ecologically sustainable infrastructure (for example, solar powered transmission towers or other appropriate technology). While desirable, this is not a mandatory requirement. However, ecological

sustainability of the Service Solution may be considered in any comparative assessment under Section 3.6.

Ecologically sustainable infrastructure

Q3.1c) Please describe any ecological sustainability aspects of the Service Solution you have installed.

New technology (if applicable)

Q3.2a). If this is a new technology, has it been approved for commercial use in Australia? Attach copies of any approval from relevant bodies to use the technology.

Q3.2b) Describe the degree of vendor support available for the equipment.

Q3.2c). 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.

Q3.2d) Has this technology been successfully deployed commercially overseas?

New infrastructure or substantial upgrades of existing infrastructure

Guidance: refer to section 3.5.3.of the Guidelines.

Q3.3a). Provide details that demonstrate that the proposed Service Solution amounts to material new infrastructure or a substantial upgrade of existing infrastructure, and that significant cost would be incurred in implementing the new Service Solution.

Q3.3b). Detail costs incurred in implementing the new Service Solution or substantial upgrades of existing infrastructure below:

Infrastructure Development and Deployment Costs		
<i>Service Solution – e.g. wireless</i>		
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	<i>Total</i>	\$

Guidance: Evidence requested in Q3.4 may include relevant ownership or leasing arrangements of towers; copies of valid site licences and relevant certificates of currency; any MOU or agreements to enter transmission sites or share site facilities; appropriate public liability insurance for the infrastructure; service agreements with backhaul providers; equipment purchase agreements; and documents relating to support and maintenance arrangements for infrastructure.

Q3.4 Detail ownership, and provide evidence that demonstrates your ownership and/or control of this broadband infrastructure.

Proposed Upgrade Service Solution (if applicable)

Q3.5 For applicants proposing to upgrade their network in order to offer metro-comparable broadband services, please provide full details of the enhancements required, including hardware, software, CPE (if relevant). Include evidence that demonstrates it is an efficient and cost-effective means of providing access to metro-comparable services.

Q3.6 Have you received any funding under a Past Programs for the network that you propose to upgrade?

Yes No (go to question 3.7)

If Yes, please provide details that demonstrate further funding is warranted.

Capacity

Q3.7 Describe the total capacity to be provisioned for the service in the:

a) backhaul links

b) ISP internet access links

c) contention ratio for the service

Network

Q3.8 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.

Q3.9 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

Q3.10 List all key technical risks associated with the Service Solution and the strategies to mitigate these risks. Include vendor support arrangements and management of unlicensed spectrum, in particular, any strategies in place (or proposed) to cope with the possibility of other providers interfering with or using the same spectrum.

Key technical risks

Priority Strategy

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Only for Applicants proposing Satellite Services

Outsourcing technical staff

3.14 If your business' technical expertise is partially or wholly outsourced, please provide contract details including:

- a) proportion of staff outsourced
- b) average length of contract
- c) types of services being offered by contractor

Customer service

Q3.15 Provide details of your existing or proposed Australian Broadband Guarantee Services fault reporting service. Note, the proposed fault reporting service must be free of charge and operate seven days a week and 24 hours a day. (*Specify how Customers will access this service—free call number, facsimile, email, is an answering machine used at any time*).

Q3.16 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.

Q3.17 Please provide an indicative time frame (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)?

Q3.18a) Please provide an indicative time frame (in hours or days) for the restoration of your proposed Australian Broadband Guarantee Services in the event of a service outage or fault (*list different categories of faults*).

Type of Fault/Outage	Likely effect on Customer	Response	Response time
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Q3.18b) Please list the exceptional circumstances that may warrant different response times?

Q3.19 If you propose to outsource any elements of service delivery provide the following information for the key contractors:

- a) their name(s)

b) tick the elements of services being outsourced?

- installation maintenance customer service
 billing system sales and marketing
 other (specify e.g. complaints handling)

c) supply details of what the key contractors has been contracted to provide for each of these outsourced elements of service delivery (*e.g. processing components of the billing system*).

d) your guarantee that the contractual arrangements you have in place are appropriate to the program and that any arrangements in place will be undertaken as agreed. Please include the expiry date of the agreement.

Agents (if applicable) sales and marketing

Guidance: The applicant will have full responsibility for the provision of the proposed Service, including entering into the direct contractual relations with Customers. Ensure that you have appropriate control mechanisms and procedures in place governing the conduct of an agent.

Q3.20 Provide a detailed description of arrangements in place for the agent(s) currently being used (or intended to be used) to sell, on your behalf, the Services you provide (or intend to provide) to Customers.

- a) Name and address of each agent.
- b) Describe in detail the proposed role of each agent or groups of agents in selling or marketing the service.
- c) Service Solutions and Service Plans proposed to be sold/ marketed by the agent(s) on your business' behalf.
- d) Provide full details of any contractual arrangements and copies of any written agreement governing the terms of the agency arrangement. (*If no written agreement exists the Department will assume that common law principles govern the relationship*).
- e) Include procedures in place governing the conduct of the agent(s).
- f) Provide clear evidence that you will be the legal party contracting with a Customer to provide the Service, not the Agent.

Billing System

3.21. Provide details of the customer billing system to be used for the proposed Australian Broadband Guarantee Services. Include details of the capacity to accommodate the number of proposed customers and any future expansion of the data fields.

3.22. 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. Provide details of this feature and how it will be made available.

Yes *Guidance: this is a mandatory requirement.*

Network Upgrades

3.23. 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?

3.24. If you have more than one Service Solution, describe how each Service Solution interacts with the other(s).

Data speeds

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

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

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

Guidance: Please explain how your test computers will provide the Department with a representative view of the performance of your overall Australian Broadband Guarantee operations.

3.27. Provide details of installed or planned test computers on your premises that will enable the Department to test the performance of your proposed *Australian Broadband Guarantee* Services. Please include details on the geographic locations, network details and IP address of the test computers.

2. Service Plans

Guidance: Refer to section 2.3.1, 2.3.2 and 2.3.3 of the Program Guidelines.

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

Multiple Services Pricing Table								
Service Plan Name/s	Peak Speed Kbps	Average Speeds Kbps	Data Usage (GB)	Install/Connect ion costs	Hardware cost	Monthly cost	Total costs (over 36 months)	Contract length available (months)
Threshold Service								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
Entry Level Service								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
Added Value Services								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
Service Plans specifically for Upgraded Service Solutions								
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	

	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	
	/	/	GB	\$	\$	\$	\$	

Guidance: Excess data charges must be no more than five (5) cents per MB for both Threshold and Entry Level Services. Refer to section 2.3.1d) of the Guidelines.

3.29. 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.

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

downloads only? uploads only? both?

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

3.31. 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 Department's customer data speed testing facility at <http://www.bctest.com.au/speedtest.html>.

Yes No

Customer Premises Equipment

3.32a). 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?

Guidance: Refer to section 4.4.2 of the Guidelines.

Warranty and Maintenance of CPE

3.32b). Detail the warranty conditions which apply to CPE you supply to customers:

i) is it free of charge?

Yes No

If NO list details of charges

ii) If not already provided above, specify the conditions and rates that may apply to the maintenance and repair of the CPE supplied by you.

3.32c) When CPE requires external mounting at the Customer's premises, please provide details of the measures taken to reduce the impact on the premises.

Other

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

Yes No

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

Customer Contract Provisions (Terms and Conditions)

Guidance: Refer to 4.3 and Attachment B of the Guidelines. All Applicants must submit a copy of their proposed Australian Broadband Guarantee Customer Contract Provisions (Terms and Conditions) and any Acceptable Use Policy (if applicable) for approval by the Department. In addition to the Core provisions, Applicants must comply with the contract provisions set out in section 4.3 of the Guidelines. It is a matter for each Applicant to determine what commercial terms and conditions should also be contained in their Program terms and conditions, provided they are consistent with the Guidelines and applicable laws and industry codes.

For the purposes of this Program, a Standard Form of Agreement (as defined in section 479(2)(b) of the Telecommunications Act 1997) cannot be used.

Note that the Department's approval of any proposed Australian Broadband Guarantee Terms and Conditions are for the purposes of the Program only.

3.35. Have you attached your proposed Australian Broadband Guarantee Customer Contract Provisions containing the requisite core inclusions?

Yes No

Part 4—Service Area(s)

Guidance: Refer to sections 3.5.3, 3.5.4, 3.6 and 4.5.2 of the Guidelines. Service Areas registered under the 2007–08 Australian Broadband Guarantee program are eligible to be re-registered under this Program provided a reasonable number of Underserved Premises remain in those Service Areas.

If the Applicant has delayed the installation of infrastructure or the connection of Customers for an unreasonable period of time, the Department reserves the right to accept proposals from other Applicants within that Service Area.

Where a proposed Service Area is to provide an upgrade to an existing Terrestrial-based Service (either a Commercial ISP service or Past Program service) to enable a Metro-comparable service, the Applicant must also address the criteria set out in section 3.5.3.

Proposed satellite-based Service Areas are encouraged to be broadly based geographically, with whole-of-Australia coverage considered desirable. Satellite-based Service Areas must indicate the extent to which their proposed Service Area coverage will provide ubiquitous access to Services for Underserved Premises.

For terrestrial services, supply tower locations in latitudes and longitudes (in decimal degrees, heights, radius of reach, and any directionality of signal strength); anticipated ADSL reach or extent of cable networks by streets or roads being cabled.

Q4.1a). 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.

Q4.1b) **Whole of region**—If you are proposing to apply for a whole of region Service Area please nominate the area to be covered. (e.g. the local Government area, postcode, state Government regional description.)

Q4.2a) **Wireless**—Describe the methodology used to appropriately test the proposed network coverage to ensure that it is realistic and accurate (rather than indicative). This should include field signal-strength testing or line-of-sight predictive coverage.

Q4.2b) **Satellite**—Demonstrate your ability to provide Services to Customers who cannot access a Metro-comparable Broadband Service in your proposed Service Areas.

Q4.3 Describe your ability to sustain the provision of Metro-comparable Broadband Service delivery in Service Areas beyond the life of the program.

Roll-out schedule

Guidance: Refer to section 3.5.4 of the Guidelines

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

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

Under-served Premises

4.6. 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.

Community or other government support

4.7. 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.

Service Solutions and Service Plans

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

Upfront payments for Terrestrial Whole of Region Solutions

Guidance: Refer to section 4.5.2 of the Guidelines.

Q4.9a) If you are seeking an upfront payment to implement a terrestrial whole of region solution, please provide details of the amount sought and the intended investment by your organisation.

Q4.9b) Detail why up-front payments are required to cover the cost of material new infrastructure and the costs cannot reasonably be met by other means.

Q4.10 Please provide a roll-out schedule detailing where and when infrastructure will be deployed and services offered to customers.

Q4.11 Explain the reason for a substantial period between commencement of deployment of infrastructure and connection of sufficient Services to obtain a normal return on investment.

Q4.12 Provide forecasts of the customer numbers expected to be connected and supplied in each of the discrete service areas within the whole of region service area. These forecasts should cover the funding deed period.

Statutory Declaration

Attachment A is a sample Statutory Declaration that includes all the statements that may need to be attested to. Prior to completing the statutory declaration, please remove those matters that are not relevant to your organisation (e.g. Agents). A Statutory Declaration must be completed truthfully and witnessed by an appropriately qualified person.

Attachment A—Statutory Declaration

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

1. I, (insert name) occupation:
of: (insert address) 1.....

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

2 *Set out matters declared to in numbered paragraphs*

on behalf of (insert company name)

2. To the best of my knowledge, the information I have provided in this application is true and correct.
3. I am authorised by my organisation to make this application on its behalf.
4. To the best of my knowledge, (insert company name) ²:
 - a) as at the date of this declaration, is solvent (and can therefore meet its debts as and when they fall due); and
 - b) is up to date with relevant statutory obligations (including lodgements) required by ASIC, ATO, ASX, ACMA, ACCC and TIO; (as applicable) and
 - c) (if applicable) does not have any previous or outstanding compliance issues related to government broadband funding programs in which it has participated; and
 - d) (if applicable) is up to date with all compliance and reporting requirements for all funding programs in which the Applicant is participating; and
5. To the best of my knowledge, there are no material events that have occurred since the date of the audit report that would affect the overall validity of the audit report;
6. I have read and understood the Australian Broadband Guarantee 2008/09 Program Guidelines
7. I understand that if (insert company name) is successfully registered under the Program:
 - a) it will be the legal entity responsible for contracting with, and supplying the proposed Program Service(s) to, Eligible Customers; and
 - b) it will be responsible for the conduct of all of its authorised agent/s in relation to the proposed Program activities; and
 - c) it will be required to ensure that it has appropriate control mechanisms and procedures in place governing the conduct of its authorised agent/s.
8. I confirm that as at the date of this declaration, none of the company Director/s and Senior/Executive Manager/s, including myself, have any criminal conviction, charges pending against him or her.
9. 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 on ⁵ of ⁶

5 *Day*

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

Checklist—Part 1–4

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

Section	Document/s	Type of document	Y/N
Screening questions	Evidence to demonstrate that you are currently an infrastructure provider and have experience in deploying broadband roll-out.	Documents e.g. ownership or leasing details of towers, copies of valid site licences and relevant certificates of currency, MAC addresses and serial numbers	
Identification and contact information	Copy of document providing evidence of any registered business name/s.	Copy of registered business name/s	
1.1a	Audited financial statements for the latest complete financial year (or accounts reviewed in line with AUS 902), annual reports, audited reports for: <ul style="list-style-type: none"> the Applicant where relevant for a parent company 	Audited financial statements/accounts reviewed AUD 902, annual reports etc.	
1.1b	Audited or unaudited financial statements for the previous 2 financial years(or accounts reviewed in line with AUS 902), annual reports, audited reports for: <ul style="list-style-type: none"> the Applicant where relevant for a parent company 	Audited or unaudited financial statements/accounts reviewed AUD 902, annual reports etc	
1.2	A year to date financial statement prepared at the end of the most current quarter		
1.3	Any additional documents pertaining to ongoing future financial support from another party etc.		
1.4	Any documents relating to funding facilities to support and develop your business e.g. bank or other bonds, guarantees, indemnities, investment credit rating.	Copies of bonds, guarantees etc	
1.5	Business, Financial and Risk Management Plan	One document encompassing all plans	
1.7	National Police Certificate for key members of the Director and executive or senior manager.	National Police Certificates	
1.8	CVs of company Directors (or equivalent) as well as an ASIC Current and Historical	Curriculum Vitae	

	Company Extract including notification of Directors' appointments.	ASIC Current and Historical Company Extract	
1.10	Organisational chart if too large to be included in response.	Chart	
1.11	CVs of senior managers	Curriculum Vitae	
2.2	ACMA nominated carrier licence/declaration or legal advice or other documentation re no requirement or is applying	Copy of licence and or correspondence confirming status	
3.2	New Technology—Approval licence from ACMA where required.	Copy of licence	
3.4	Attached evidence of ownership and/or control of your broadband infrastructure	Copy of ownership documents	
3.8	Schematic diagram of network architecture if not provided in response.	Diagram	
3.20	Agents—copies of contractual arrangements		
3.35	Attach your ABG Terms and Conditions (including AUP and Customer Contract) including core clauses as stipulated by the Department in attachment B	ABG Terms and Conditions	
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	Statutory Declaration and authorisation page. Please complete, delete the matters that are not applicable e.g. Agents. Ensure the company name is included and the declaration is duly signed, dated, witnessed.	Statutory Declaration	