

Site Licence Agreement Framework

The process for negotiating and executing Site Licence Agreements between NSW Government agencies has changed and a new Site Licence Agreement Framework (the Framework) has been introduced. This information sheet provides advice about the changes and how to implement the new Framework.

Why a new Framework?

Site Licence Agreements are contractual arrangements entered into between NSW Government agencies to allow access to radio communications sites, infrastructure and site services.

There are often a number of agencies from different clusters involved in these agreements and they spend time and money drafting and maintaining custom-made contracts each time they require access to sites or equipment.

The Framework was developed by the NSW Telco Authority, in consultation with NSW Government agencies that use operational communications, to make the site licencing process simpler and more consistent.

Who the Framework applies to

The Framework applies to NSW Government agencies (including Departments, Executive Agencies, Statutory Bodies, and Other Agencies and Services) within the clusters who are signatories to the [Memorandum of Understanding \(MOU\) for Licensed Use of NSW Government Communications Facilities](#).

The MOU, which is the basis for the Framework, commits NSW Government signatories (all clusters with the exception of the Education and Treasury clusters) to using its terms and conditions as the basis for any site licence arrangements involving other NSW Government agencies, provided they are signatories to the MOU.

The MOU does not apply to land or equipment that is not owned by a NSW Government entity.

When the Framework commenced

[NSW Procurement Board Direction 2015-03 Radio Communications Site Licence Agreement Framework](#) was released on 1 September 2015 to advise NSW Government agencies of their obligations under the Framework. Since then, the Telco Authority has been working with NSW Government clusters to secure agreement to the terms of the MOU.

The MOU was signed by all cluster signatories on 29 August 2016, so all NSW Government agencies (apart from those with the Education and Treasury clusters) are now required to meet the requirements of the Framework.

What NSW Government agencies are required to do

The Framework requires that NSW Government agencies use the MOU as the basis for managing access requests and establishing site licence agreements involving other NSW Government agencies (apart from Education and Treasury cluster agencies).

The MOU has two Schedules that support this process.

[Schedule 1 to the MOU](#) is used to organise access to sites and includes:

[Site Access Protocol](#), which outlines the obligations of Site Owners and Licensees

Access Request Form, which enables the request for access to be approved before an agreement is entered into

Key Holder Acceptance for NSW Government Radio Network, which outlines the obligations of persons requiring access to a Government Radio Network (GRN) site.

Schedule 2 to the MOU is used to establish site licence agreements through the **Site Schedule**. Agencies can add site specific conditions to the Site Schedule if required.

Note that it is a legal requirement of the MOU for NSW Government agencies to provide the Telco Authority with a copy of all signed Site Schedules. These can be emailed to: telco.authority@finance.nsw.gov.au.

The Framework does not require:

- ✖ The conversion of existing site licences to the Framework unless they expire, otherwise end or are amended
- ✖ The establishment of site licences for sites in rail corridors and on public school grounds – these sites are not covered under the Framework.

Memorandum of Understanding (MOU) for Licensed Use of NSW Government Communications Facilities

The MOU is key to the Framework and details the procedures involved in establishing a site licence.

The MOU:

- ✱ Binds all agencies, divisions and work units within the signatory agencies
- ✱ Does not bind State Owned Corporations, Local Councils or Universities.
- ✱ Sets out a process for requesting and granting access to a telecommunications site to use the telecommunications infrastructure or carry out work, including installing or

maintaining telecommunications infrastructure

- ✱ Grants a licence from a Site Owner to a Licensee once the Site Schedule is signed by both parties on the terms set out in the MOU, including in the Site Access Protocol and Site Schedule.
- ✱ Provides for a Site Access Protocol that governs the behaviour of Site Owners and Licensees when work is being carried out on a telecommunications site – this includes compliance with relevant work, health and safety laws
- ✱ Allows for Special Conditions to be agreed between the Site Owner and the Licensee by way of inclusion within the Site Schedule
- ✱ Sets out various Site Owner obligations including to maintain services and access way at each site
- ✱ Sets out various Licensee obligations including a requirement to pay any agreed fees, the safe installation of equipment and maintaining relevant insurances
- ✱ Provides a dispute resolution mechanism where interference is being caused, or is likely to be caused, by a particular use at a site
- ✱ Allows for the amendment of the Site Access Protocol and Site Schedule
- ✱ Does not restrict the discretion of any statutory authority or body.

Where to get more information



Visit the Telco Authority website at www.telco.nsw.gov.au, which outlines the Framework and provides links to the MOU and the Schedules



Email the Telco Authority's Facilities Access Unit on telco.authority@finance.nsw.gov.au