



Black Spot Program (BSP) Guidelines

Frequently Asked Questions

October 2024

Introduction of the new Guidelines

Have the Guidelines been distributed to councils?

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (department) has advised the Australian Local Government Association of the new Guidelines. Councils seeking a copy of the Guidelines can be referred to the department's website to download a copy. Each funding recipient will be best placed to brief councils through their briefing on annual programs.

What is the proposed life-cycle and review frequency for the Guidelines?

The Black Spot Program is a stable ongoing program. Updates will be initiated by the department as they are required, if changes are requested by the Australian Government, or to address unforeseen implications.

It is expected an internal review will occur every two years to determine whether further changes are required.

Are projects approved/funded prior to 2024-25 to be administered under the Notes on Administration, or the Black Spot Program Guidelines?

All projects are now administered under the Guidelines.

Are projects approved/funded for 2024-25 onwards to be administered under the Notes on Administration, or the Black Spot Program Guidelines?

All projects are now administered under the Guidelines.

Project Nominations

Is the anticipated delivery timeframe for a project expected to be identified at the time of nomination?

Yes. Projects can be nominated to run across one or two financial years. Where a three year period is sought, sufficient justification must be provided. An indicative breakdown of funding for multi-year projects must also be provided.

Are rural crash rates applied to any location outside of Major Cities of Australia?

Yes, rural crash rates are applied to Inner Regional Australia, Outer Regional Australia, Remote Australia, and Very Remote Australia.

Are treatments for the benefit of vulnerable road users an approved purpose under the Guidelines?

Yes, provided they comply with the requirements outlined in Section 2 (Project eligibility) of the Guidelines.

Can project costs include administration costs to the state or territory agencies for their management of the program?

Yes. The National Land Transport Act 2014 broadly authorises administrative costs for Black Spot projects, that are incurred by both funding recipients and project proponents in the delivery of projects.

Administrative costs relating to a project should be included within the funding sought for that project, disclosed to the funding recipient and proponent and evidence retained to account for the costs.

If a project is nominated over one financial year, is the project delivery timeframe two years?

Projects are expected to be delivered within their nominated delivery period (ie one or two financial years). This enables the panel to be clear on the extent of future funding being committed.

Variations

Are time variations permitted to extend the project delivery timeframe? If so:

- **What is the process?**
- **Are there specific criteria for exceptional circumstances?**
- **Is there a limit to how many extensions can be approved?**
- **Are these extensions approved by the Department?**

Time variations should be submitted to the department in cases where a project's completion is delayed beyond its approved delivery timeframe (ie one or two financial years).

Where a project extends beyond two years, exceptional circumstances would need to be demonstrated. All projects are expected to be delivered within two years, or three years where exceptional circumstances apply.

Exceptional circumstances are detailed at section 2.6 of the Guidelines.

Does an approved extension of time extend the time available to submit a cost variation?

Yes, noting that the maximum timeframe for seeking a cost variation increase is four years.

Can time or cost variations be submitted if a project is delayed by more than one year?

All projects are expected to be completed within two financial years, or three where exceptional circumstances apply. Proponents should work closely with the department to inform us of delivery delays and to work together on a way forward.

Cost increase variations will be accepted for one year beyond the approved delivery period. Time variations, and cost decrease variations can be submitted at any time.

All projects are now administered under the Guidelines.

Are time variations required for changes to construction dates that fall within the same financial year?

No. If the date change means the project is still being delivered within the approved delivery period, the revised dates should be entered on the quarterly reporting template.

A time variation is only required if delivery is expected to be outside of the originally approved deliver period.

What details should be provided with a variation request?

To consider a variation request, the department requires the Project ID and Name, type of variation (cost, scope, withdrawal), approved funding, approved scope, reason for the request, and where applicable, revised scope, funding, and BCR. Where a variation request does not provide sufficient information, the department will seek additional information from the funding recipient.

Milestones and reporting

Who holds the financial risk for delayed projects?

Ultimately the funding recipients are responsible for delivering, funding and reporting on Black Spot projects. Recipients should inform the department of delays and work closely with the department on a way forward.

Updates to project commencement and completion dates in status reports were based on reportable construction milestones. Has this changed?

No, this remains the same. Estimated commencement and completion dates should be updated as needed through the quarterly reporting process.

Will the reporting template be updated to enable reporting of reasons for date changes?

Jurisdictions should continue completing the existing template as it is provided. A new template will be developed to coincide with the transition of the Black Spot Program to the new Reporting and Payments Management Portal and System in mid-2025.

Document Control

Refer to the following table for the approver and latest version of this document.

Version	Release date	Approver	Reason for update
1.0	Oct 2024		Initial release of document.