

Proposal to remake the Broadcasting Services (Technical Planning) Guidelines 2017

Comments on the initial ACMA Consultation paper

September 2026

1. Introduction

- 1.1 The Community Broadcasting Association of Australia (CBAA) welcomes the opportunity to respond to the ACMA consultation entitled, 'Proposal to remake the Broadcasting Services (Technical Planning) Guidelines 2017', August 2026.
- 1.2 The CBAA is the peak body for community broadcasting licensees in Australia.
- 1.3 The ACMA consultation paper provides a background on the existing Technical Planning Guidelines (TPGs). Attachment A also provides a high-level snapshot of the various Acts, Licence Area Plans (LAPs), Digital Radio Channel Plans (DRCPs), instruments and policy that make up the broadcasting services technical regulatory framework (Framework).
- 1.4 The CBAA agrees that the TPGs form a necessary and useful part of the Framework, and support the ACMA in remaking the TPGs in a new legislative instrument, noting the existing legislative instrument is due to sunset in October 2027.
- 1.5 The CBAA agrees the TPGs and Framework could be improved, with the intended outcome being to reduce the administrative burden of the Framework, and so facilitate broadcasters to develop and maintain access to free-to-air radio services for audiences.
- 1.6 Maintaining audience access to licensed radio services on a free-to-air basis is fundamental, and is in support of cultural and public policy objectives of Government, including as expressed in the Objects and detail of the Broadcasting Services Act 1992 (BSA).
- 1.7 The CBAA understands that the ACMA circulated its consultation paper on the remake of the TPGs widely, including to licensees of all licensed radio broadcasting services.
- 1.8 The CBAA further notes that, at this stage, the ACMA is seeking comments related to its preliminary views on remaking the TPGs and changes to other parts of the Framework, and, once those comments are considered, the ACMA will then proceed to draft revised instruments for a future consultation, slated for Q1 2027, with a six-week timeframe.
- 1.9 The next consultation will be important, as it will be an opportunity to reflect on the extent to which the good intentions of the ACMA in remaking the TPGs and other changes to the Framework may be able to be put into practice, and the level of agreement.
- 1.10 The timeframe for the current consultation, being initial and relatively brief, has allowed for a limited straw poll of views and licensees. Whilst useful, the next stage and further consultation will allow more time, and, being based on draft text of revised legislative instruments, may give rise to comments, refinement and iteration leading to the best fit-for-purpose outcome.
- 1.11 Representing the community broadcasting sector, the CBAA has long-standing policy overlap in regard to many of the key areas that, in its first stage review, the ACMA has identified for improvements to the Framework. In particular, to:
 - (a) eliminate or reduce the need for LAP variations for minor changes in operating specifications, which may require increasing flexibility in how the TPGs apply;
 - (b) eliminate or reduce the prescriptive focus on overspill as a key determinant in radio broadcast service planning; and
 - (c) eliminate or reduce the prescriptive focus on minimum coverage criteria, especially when considering the introduction of new radio broadcast services to an area.
- 1.12 The CBAA supports the intention to increase alignment between relevant provisions of the TPGs and LCDs across broadcast service types.
- 1.13 The CBAA would support a reduction in the complexity of Radio LAPs, and a shift to be similar to the approach already taken in Television LAPs, where the LAP:
 - (a) specifies a maximum ERP only, not an ERP for each or any specific direction.
 - (b) does not specify a specific site location, instead referencing the licence area served;
 - (c) specifies frequency and polarisation, but not maximum antenna height; and
 - (d) has a mechanism where an ERP can exceed the specified maximum.
- 1.14 In the scenario where future Radio LAPs are constructed in this or a similar manner - so long as they complied with the TPGs - further detailed technical specifications would form part of each broadcast service licensee's associated transmitter apparatus licence (TL).
- 1.15 Setting the high-level envelope in the Radio LAP would minimise need for subsequent LAP variations, which can sometimes take years to occur, and avoid long periods where regulatory forbearance may otherwise be required.

2. Radio Licence Area Planning

- 2.1 As noted above, the CBAA would support a reduction in the complexity of Radio LAPs, and a shift to be similar to the approach already taken in Television LAPs, where the LAP:
- (a) specifies a maximum ERP only, not an ERP for each or any specific direction.
 - (b) does not specify a specific site location, instead referencing the licence area served;
 - (c) specifies channel frequency and polarisation, but not maximum antenna height; and
 - (d) has a mechanism where an ERP can exceed the specified maximum.
- 2.2 The CBAA encourages the ACMA to examine whether the approach used for TV LAPs may be more fully deployed for Radio than is currently anticipated in this consultation paper.
- 2.3 The general statutory requirement for (Radio) LAPs under BSA 26 (1) includes technical specifications. The CBAA suggests amendment of the BSA to remove that requirement or for the requirement to be treated as high-level and informative only, as it is with TV LAPs.
- 2.4 Reference is made in the ACMA consultation to the Radiocommunications Act 1992 (RA) section 109 (1)(d) which requires operation in accordance with technical specifications set out in the LAP required by BSA 26 (1).¹
- 2.5 Even so, the CBAA notes that the ACMA seems inclined to explore whether it may be able to apply the high-level and more flexible approach taken with TV LAPs to Radio LAPs.
- 2.6 The Radio LAP technical specification would be best if constructed in a high-level way to allow for improved flexibility, so long as there is compliance with the TPGs.
- 2.7 The CBAA supports the notion that, in the Explanatory Memorandum leading to section 26 of the BSA, reference to the term “nominal” technical specifications being in a LAP would have been intended by the Parliament to function as planning parameters rather than fixed operating specifications.
- 2.8 Fixed operating specifications are logically more relevant in the Transmitter Licence. Perhaps the term “detailed” technical specifications as distinct from the term “nominal” technical specifications is useful.
- 2.9 The ACMA Consultation Paper points to recent Radio LAPs, such as Perth, where a more flexible approach is taken to nominal location, through the addition of a clause noting it as acceptable to operate from an alternative site rather than the nominal site - if operation complies with requirements set out in TPGs established under section 33 of the BSA.
- 2.10 The CBAA would support similar clauses to bring about flexibility to allow maximum height and maximum ERP to be exceeded, including at the nominal site, where there would still be compliance with the TPGs.
- 2.11 The ACMA consultation suggests that in considering this approach, it may introduce a new guideline in the TPG related to overspill when operating from the nominal site. The topic of overspill is addressed under its own heading in this response.
- 2.12 The TPGs arise from the BSA Section 33, LCDs from the RA section 110A (2). The CBAA supports alignment of coverage and interference regulation between the two instruments. The CBAA also supports alignment of start-up procedures between the two instruments.
- 2.13 That noted, there seems no compelling reason to shift aspects currently covered by the TPGs to the LCD. It may continue to be useful, with less potential for confusion, to retain the relevant regulatory guidelines within each instrument. If aspects are shifted to the LCD, then the TPGs should explicitly reference those aspects as being contained in the LCD.
- 2.14 The ACMA consultation has placed consideration for change of Digital Radio Channel Plans (DRCPs) out of scope. DRCPs are referenced in Radio LAPs without technical specifications, yet DRCPs, in themselves, are very prescriptive. Accordingly, many of the comments made in this response apply to DRCPs in a similar manner to Radio LAPs.
- 2.15 The CBAA suggests the ACMA consider DRCPs to be in scope, and notes the existing text of the TPGs often references LAPs and DRCPs in tandem.
- 2.16 The ACMA consultation cites example scenarios not well accommodated by the Framework as is. The example scenarios are accurate and typical. In engaging with licensees, each of the scenarios 1 to 5 have been encountered. The CBAA supports the ACMA in its efforts to bring about more productive outcomes.

¹ Note that RA 109 (1)(da) has a similar requirement to comply with the technical specifications set out if there is a Television LAP. It follows that RA 109 (1)(d) does not in itself require the LAP to contain detailed technical specifications.

3. Risks of overspill

- 3.1 The CBAA has long-standing policy that the focus of radio planning and regulation ought not be on minimising overspill, but to allow broadcasters maximum opportunity to provide the best possible coverage of free-to-air broadcast services:
 - (a) across the relevant licence area, including to key population centres;
 - (b) to roads relevant to social, economic and cultural patterns of the area; and
 - (c) to the boundary of the licence area.
- 3.2 While not advocating for coverage outside of the relevant licence area to be ignored, coverage within the licence area should not be constrained if the sole purpose of the constraint is to limit coverage outside of the relevant licence area.
- 3.3 For community and national broadcasting services a key outcome of coverage is to address cultural and public policy objectives for broadcasting, including for emergency purposes. It is not to preserve business boundaries or protect commercial interests.
- 3.4 Rather than derogate coverage within the relevant licence area in order to minimise overspill coverage to a neighbouring licence area, it seems sufficient that broadcasters orient their program content to best suit listeners in the relevant licence area.
- 3.5 While technical regulation should not be used to limit availability of services for commercial reasons, coverage limitations and constraints applied for technical interference management, or legitimate channel re-use purposes, are a separate set of considerations.
- 3.6 The ACMA has historically dealt with coverage outside of the relevant licence area, using the term overspill, and, as part of its planning does seem to include mechanisms to balance competing commercial concerns regarding business boundaries.
- 3.7 Nowadays other audio services are available to the public without geographic constraints - albeit not necessarily on a free-to-air basis - and elevating concern for overspill to be a key determinant in planning broadcast service outcome seems increasingly anachronistic.
- 3.8 The CBAA is therefore of the view that the content and business risk of increased overspill is not a matter for technical regulation at all. Technical regulation should address only risks to do with interference and channel re-use.
- 3.9 The BSA at Schedule 2: Part 4 clause 8 section (3) for commercial radio licensees; and Part 5 clause 9 section (2A) for community radio licensees requires services not to be provided outside of the licence area unless coverage occurs accidentally; or as a necessary result of the provision of the services within the licence area, or both.
- 3.10 Interpreting this into planning and policy, the focus should always be to prioritise best possible coverage as necessary for the provision of services within the licence area.
- 3.11 The CBAA supports further exploring concepts flagged in the ACMA consultation paper that a flexible and qualitative approach be taken to assessing overspill to a neighbouring licence area - provided that approach is based on and reinforces the priority as being to ensure best coverage within the intended licence area.
- 3.12 Assessing what constitutes best coverage and overspill both rely in part on assessing signal levels exceeding the planned minimum field strength, against which interference protection may be afforded.
- 3.13 The CBAA would likely support revising the overspill criterion to introduce qualitative flexibility and/or the introduction of a mechanism to consider exemptions when operating at the nominal transmit site. The CBAA agrees this may reduce the need for LAP variations.
- 3.14 The CBAA has already indicated support for flexibility to allow maximum height and maximum ERP to be exceeded, including at the nominal site, where there would still be compliance with the TPGs.
- 3.15 Alongside or instead of those options, the CBAA would support a clarified guideline similar to that proposed in the TPG 11(2) in regard to minimum coverage being added in relation to overspill. The effect would be to depart from the general overspill criteria where the ACMA agrees to a particular technical specification in the applicable transmitter licence.
- 3.16 This approach would be a good option so long as the ACMA agreeing to such a technical specification in the transmitter licence does not trigger the need to vary the applicable Radio LAP in each instance.

4. Minimum coverage

- 4.1 The CBAA would likely support changing or removing the requirement to meet minimum coverage criteria, subject to further drafting of detail.
- 4.2 The Framework would then provide for a high-level description and maximum envelope of technical specifications, within which, the CBAA agrees, it may be sensible to leave general coverage decisions to the relevant licensee.
- 4.3 It is noted that this may result in future reduced coverage of existing services, or dissimilar coverage between similar radio (and television) services in a licence area.
- 4.4 This might be managed best if changes were made according to the following principles:
 - (a) in any change or analogue transition from AM to FM operation, to maintain or minimise loss of coverage or service availability to listeners compared to that achieved by existing licensed radio broadcast services.
 - (b) to remove any requirement for minimum coverage criteria for any new analogue or digital radio broadcast services introduced to an area.
- 4.5 This two-step approach:
 - (a) recognises that the introduction of new services to an area, whether by analogue or digital radio, will not result in loss of existing service outcomes; and
 - (b) will encourage and facilitate development and implementation of digital radio services to an area.
- 4.6 Removing the requirement for minimum coverage for new digital radio services seems able to be done by amendment to the TPGs, and would be particularly useful. Digital radio technology is well suited to implementation in a new area by taking an incremental and staged approach, with additional sites consolidating and providing broader and tailored coverage within the relevant licence area being added over time.
- 4.7 The CBAA would likely support removing the requirement for minimum coverage criteria as it applies to Temporary Community Broadcasting Licences (TCBLs) and notes this would not be an issue if the criteria were removed altogether, or managed in the two-step manner as outlined above.
- 4.8 The possible risks in changes to removing the minimum coverage criteria can be mitigated by adopting a two-step approach, as above, and the benefits to facilitate availability of further and improved free-to-air radio broadcast service outcomes to listeners are likely to outweigh the risks.