

**Submission to the Australian Communications and Media Authority
Remaking the Broadcasting Services (Technical Planning) Guidelines 2017**

Submitted by: Crow FM 90.7

Licence area: Wondai RA1, South Burnett, Queensland

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1. Introduction

Crow FM 90.7 welcomes the opportunity to provide a submission to the Australian Communications and Media Authority (ACMA) consultation on the proposed remaking of the Broadcasting Services (Technical Planning) Guidelines 2017 (TPGs) and the broader review of the broadcasting technical regulatory framework.

Crow FM is a locally operated, not-for-profit community radio service serving the South Burnett region of Queensland. We are a small regional broadcaster with limited financial and technical resources, operating to provide an important local service to our community.

We strongly support the ACMA's objective of maintaining access to radio services while allowing the broadcasting sector to respond to technological change and changing audience needs.

We particularly support the ACMA's stated objectives of:

- reducing unnecessary administrative burden on broadcasters;
- reducing the number of Licence Area Plan (LAP) variations required for relatively minor technical changes;
- reducing reliance on regulatory forbearance;
- increasing flexibility in assessing technical proposals;
- improving clarity and consistency across the technical regulatory framework; and
- improving arrangements for emergency, standby and disaster-recovery transmissions.

For a small regional community broadcaster, these improvements could have a significant practical benefit.

We encourage the ACMA to ensure that the revised framework is proportionate to the size, resources and circumstances of broadcasters, particularly small community broadcasters operating in regional and rural areas.

2. The framework should recognise the realities of small regional broadcasters

Community radio stations such as Crow FM operate very differently from large metropolitan or national broadcasters.

A small regional station may have a very small paid workforce, rely heavily on volunteers and have limited financial capacity to engage specialist technical consultants or undertake lengthy regulatory processes.

At the same time, the importance of the service to the local community can be significant.

In regional areas, radio can provide a critical source of local information, particularly during severe weather, natural disasters, infrastructure failures, emergencies and other events where access to other communications services may be limited.

Accordingly, technical regulation needs to maintain appropriate protection of spectrum and service quality while also recognising that continuity of service can be more important to a regional community than rigid adherence to technical specifications designed for normal operating circumstances.

We therefore support a framework that is technically robust but also practical, proportionate and outcomes-focused.



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3. LAP variations for minor technical changes

Crow FM strongly supports the ACMA's proposal to reduce the number of LAP variations required for minor changes to technical operating specifications.

The ACMA has identified that many technical changes can require LAP variations even where assessment indicates there is no significant impact on spectrum utility, effective coverage, interference or overspill. The ACMA has also identified the resulting administrative burden and periods of regulatory forbearance.

We support greater flexibility where a proposed technical change can be demonstrated to:

- maintain or improve service to the licence area;
- have no material adverse impact on another licensed service;
- remain within acceptable interference parameters;
- have no material increase in harmful overspill; and
- maintain the overall integrity of the broadcasting spectrum plan.

A change that is technically safe and does not materially affect other services should not necessarily require a lengthy LAP variation process simply because the existing LAP contains a highly specific technical parameter.

For a small community broadcaster, the cost and administrative burden of engaging specialist technical assistance and navigating a formal variation process can be disproportionate to the significance of the change.

We therefore support an outcomes-based approval pathway for minor technical changes.

For example, the framework could establish categories such as:

Category 1 - Administrative/minor changes

Changes that have no material technical impact and can be notified to the ACMA without formal approval.

Category 2 - Minor technical changes

Changes that require technical assessment but can be approved through a simplified process where defined interference, coverage and overspill thresholds are met.

Category 3 - Material technical changes

Changes that could materially affect other services, coverage or spectrum utility and therefore require a formal LAP variation or equivalent process.

Such an approach would allow the ACMA to concentrate regulatory resources on changes that actually present a material risk.

4. Emergency, standby and disaster-recovery transmission

Crow FM strongly supports the ACMA's proposal to introduce clearer provisions for emergency, standby and disaster-recovery transmissions.

We consider this one of the most important areas of the proposed reform.

The current framework does not specifically accommodate standby or disaster-recovery transmissions that fall outside normal technical requirements, resulting in regulatory forbearance being required in some circumstances.

Regional broadcasters need a framework that recognises that technical failures and emergencies do not occur under normal operating conditions.



A transmitter, antenna, transmission site, power supply or associated infrastructure can be affected by:

- bushfire;
- flood;
- severe storms;
- lightning;
- infrastructure failure;
- power outages;
- equipment failure;
- physical damage to transmission infrastructure; or
- loss of access to a transmission site.

In these circumstances, the priority should be restoring broadcasting services to the community as quickly as reasonably possible.

We support the introduction of a clear emergency/disaster-recovery provision that allows a broadcaster to operate temporary or alternative transmission facilities without needing to first obtain a lengthy regulatory approval or rely on informal regulatory forbearance.

The framework should allow for:

- temporary alternative transmitter sites;
- temporary transmitters;
- temporary changes to antenna arrangements;
- temporary changes to ERP where technically justified;
- temporary changes to antenna height;
- temporary technical arrangements necessary to restore service; and
- reasonable periods of operation while permanent repairs or restoration are undertaken.

The broadcaster should still be required to notify the ACMA and provide sufficient technical information to demonstrate that the temporary arrangement does not create unacceptable interference.

However, the regulatory process should be designed around rapid restoration of service rather than requiring a broadcaster to satisfy normal planning requirements before it can restore an emergency service. We particularly support the ACMA's preliminary view that emergency/disaster-recovery transmissions should not necessarily be subject to lengthy test transmission periods.

5. Minimum coverage criteria

Crow FM supports a review of the minimum coverage criteria.

We agree that minimum coverage requirements are important to ensure that licensed services properly serve their communities. However, the framework should recognise the geographic realities of regional Australia.

Regional licence areas can include large geographic areas with significantly different terrain, population distribution and infrastructure.

A highly prescriptive technical requirement may not always produce the most practical or efficient outcome for the community.

We support moving toward a more outcomes-focused approach that considers:

- actual population served;
- geographic characteristics;



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- terrain;
- existing infrastructure;
- interference considerations;
- community needs;
- the practical purpose of the proposed technical change; and
- whether the change would materially reduce service to the licence area.

The objective should remain effective service to the licensed community, rather than strict compliance with a technical parameter where the parameter does not meaningfully improve the service outcome.

We do not support changes that would result in regional communities losing meaningful access to their local radio service. Any additional flexibility should therefore be accompanied by appropriate safeguards.

6. Overspill criteria

We support greater flexibility around overspill where the increase is minor and does not create a material adverse impact on another licensed service.

The current approach can potentially result in technically minor changes becoming administratively complex.

A small regional broadcaster should not be required to undertake a full regulatory process where modelling demonstrates that a proposed change has no meaningful impact on other services.

We support the ACMA's consideration of an additional criterion based on assessment at nominal sites and believe that flexibility could be particularly useful where technical changes are required to maintain or improve service reliability.

Any revised overspill framework should, however, retain appropriate protections for neighbouring licence areas and existing broadcasters.

7. Flexibility around antenna height and ERP

Crow FM supports increased flexibility around maximum antenna height and maximum ERP in radio LAPs, subject to appropriate technical safeguards.

The current level of prescription can create difficulties where a broadcaster needs to make relatively modest technical changes to maintain or improve service.

The ACMA's comparison with television planning is also relevant. The consultation paper notes that television LAPs provide a higher degree of flexibility than radio LAPs.

We believe there is merit in considering whether radio planning can adopt a similarly flexible, outcomes-based approach.

Where technical modelling demonstrates that a change:

- improves or maintains coverage;
- does not create harmful interference;
- does not materially increase overspill; and
- remains consistent with the overall spectrum plan,

there should be a streamlined mechanism for approval.

This is particularly important for regional broadcasters, where terrain and transmission-site characteristics can make small technical adjustments disproportionately important to achieving reliable coverage.

8. Alignment between the TPGs and the LCD



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Crow FM supports greater alignment between the TPGs and the Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2025 (LCD).

The current framework contains similar requirements across different instruments and service types. We support the ACMA's proposal to make requirements clearer and, where appropriate, more consistent across broadcasting services.

The ACMA's proposal to move licence conditions that are common across service types into the LCD, while retaining technical planning matters in the TPGs, appears sensible.

However, we encourage the ACMA to ensure that consolidation does not inadvertently make the framework more difficult for small broadcasters to understand.

A small community broadcaster should be able to determine:

1. what technical requirements apply to its service;
2. what changes require approval;
3. what changes can simply be notified;
4. what emergency arrangements are permitted; and
5. who needs to be contacted and what information needs to be provided.
- 6.

The final framework should therefore be accompanied by plain-English guidance specifically explaining the obligations and processes applicable to community broadcasters.

9. A proportionate regulatory approach

We strongly encourage the ACMA to consider proportionality throughout the review.

A regulatory process that is appropriate for a large metropolitan commercial broadcaster may not be appropriate for a small regional community station.

Community broadcasters frequently operate with constrained financial resources and volunteer support. Technical regulatory processes that require specialist engineering advice, extensive modelling or lengthy application processes can impose significant costs.

Those costs ultimately affect the ability of community broadcasters to invest in:

- transmission infrastructure;
- studio equipment;
- volunteer training;
- local programming;
- community engagement; and
- service resilience.

We therefore encourage the ACMA to consider whether some technical applications can be assessed using simplified processes, standardised templates or pre-defined technical thresholds.

Where a change falls clearly within an acceptable technical envelope, the process should be as simple as possible.

10. Technical guidance should be kept current

We note the ACMA's observation that the Technical Planning Parameters and Methods for Terrestrial Broadcasting (TPPs) no longer fully reflect how analogue broadcasting services are planned.

While we understand the ACMA's view that a comprehensive review may not be possible within the timeframe for remaking the TPGs, we encourage the ACMA to prioritise this work as part of the broader technical regulatory reform program.



It is important that the various technical planning documents remain consistent with the actual technology, equipment and engineering practices being used by broadcasters.

A framework can become unnecessarily difficult to navigate when the legislative instruments, technical planning parameters, licence area plans and actual technical practices evolve at different rates.

11. Regional and emergency communications should be an explicit consideration

We recommend that the ACMA expressly recognise the public-interest role of regional radio when assessing changes to the technical framework.

For many regional communities, local radio is not simply an entertainment service. It can provide:

- emergency information;
- local weather information;
- community information;
- road and infrastructure updates;
- information during natural disasters;
- local health and community information;
- local agricultural information; and
- a reliable local communication channel when other services are unavailable.

Accordingly, the technical framework should place appropriate weight on continuity and resilience of regional broadcasting services.

The ability to rapidly restore transmission following a technical failure or disaster should be treated as a public-interest objective.

12. Recommended principles for the new framework

Crow FM recommends that the remade framework be based on the following principles:

1. Protect spectrum integrity

The framework must continue to protect against harmful interference and inappropriate use of spectrum.

2. Prioritise service outcomes

Technical requirements should focus on the actual broadcasting outcome rather than unnecessary procedural compliance.

3. Reduce unnecessary LAP variations

Minor technical changes that have no material impact should be capable of being approved through simplified processes.

4. Enable rapid disaster recovery

Broadcasters should be able to restore services quickly following emergencies, equipment failures or loss of transmission infrastructure.

5. Apply proportionality

Regulatory requirements should recognise the different size, resources and operating circumstances of broadcasters.

6. Improve clarity

A broadcaster should be able to readily determine what requirements apply and what approval pathway is required.

7. Support regional communities



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The framework should recognise the importance of reliable local radio services in regional and rural Australia.

8. Future-proof the framework

The regulatory framework should be sufficiently flexible to accommodate changes in technology, transmission infrastructure and audience behaviour without requiring constant legislative amendments.

13. Response to the ACMA's questions

Question 1 - Is the proposed scope appropriate?

We broadly support the proposed scope but encourage the ACMA to ensure that the review remains connected to the wider technical regulatory framework.

In particular, we encourage continued consideration of the TPPs and other technical guidance documents as part of subsequent reform.

Question 2 - Are there other issues?

Yes.

The ACMA should specifically consider the disproportionate administrative and financial burden that technical regulatory processes can place on small regional community broadcasters.

Emergency continuity and disaster recovery should also be treated as a key consideration.

Question 3 - Is there benefit in reviewing minimum coverage criteria?

Yes.

We support reviewing the criteria to provide greater flexibility while retaining appropriate protection for communities and neighbouring services.

Question 4 - Other frequent scenarios?

The framework should specifically address:

- emergency transmitter arrangements;
- temporary alternative transmitter sites;
- replacement transmission equipment;
- temporary antenna arrangements;
- equipment upgrades that do not materially change service characteristics;
- temporary changes following damage to transmission infrastructure; and
- technical changes required to maintain service reliability.

Question 5 - Where is further clarity required?

The framework would benefit from clearer, plain-English explanations of:

- when a LAP variation is required;
- when a change can be approved administratively;
- when notification is sufficient;
- emergency and disaster-recovery arrangements;
- acceptable temporary technical arrangements; and
- the interaction between the TPGs, LCD, LAPs and other technical requirements.

Question 6 - Emergency and standby transmissions

We strongly support specific exemptions and flexibility for emergency, standby and disaster-recovery transmissions.



The framework should allow rapid restoration of service, subject to appropriate interference safeguards and notification requirements.

Question 7 - Overspill criteria

We support greater flexibility where technical assessment demonstrates that a change will not materially affect other services.

Question 8 - Alignment of start-up procedures

Yes.

Greater alignment would improve clarity and reduce unnecessary complexity. Emergency and disaster-recovery transmissions should be treated differently from normal commencement of a new service.

Question 9 - Alignment of interference management

Yes.

Consistent interference-management requirements across broadcasting service types would improve clarity and reduce unnecessary regulatory complexity.

Question 10 - Moving provisions into the LCD

We support moving common licence conditions into the LCD where this improves consistency and clarity.

However, the resulting framework must remain easy for small community broadcasters to understand.

Question 11 - Antenna height and ERP flexibility

We support increased flexibility where technical assessment demonstrates that there is no material adverse impact on interference, overspill or service outcomes.

Question 12 - Risks of increased flexibility

The primary risks are increased interference, inappropriate overspill and degradation of service to neighbouring licence areas.

These risks can be managed through defined technical thresholds, modelling requirements and ACMA oversight.

Question 13 - Risks of changing minimum coverage criteria

The key risk is that flexibility could inadvertently result in reduced service to the licensed community.

We therefore support an outcomes-based approach that protects meaningful access to the service.

Question 14 - Differential minimum coverage criteria

We believe the ACMA should consider the different circumstances of long-term community broadcasters, particularly regional and rural services.

Community broadcasters can operate under significantly different financial, geographic and infrastructure circumstances from larger broadcasters.

Any differential approach should ensure that regional communities are not disadvantaged.

Question 15 - Interference management requirements

We support greater consistency and flexibility where technical evidence demonstrates that a proposed change will not create harmful interference.

14. Conclusion

Crow FM supports the ACMA's decision to review and modernise the technical regulatory framework.



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We believe the current review provides an important opportunity to create a framework that protects spectrum integrity and broadcasting standards while being more flexible, proportionate and practical for broadcasters.

For small regional community broadcasters, regulatory complexity and technical compliance costs can have a real impact on our ability to maintain and improve services to our communities.

We therefore strongly support:

- reducing unnecessary LAP variations;
- simplifying approval processes for minor technical changes;
- introducing clear provisions for emergency and disaster-recovery transmission;
- increasing flexibility around antenna height and ERP;
- reviewing minimum coverage and overspill criteria;
- aligning the TPGs and LCD where appropriate;
- improving clarity and plain-English guidance; and
- ensuring that the needs of regional and community broadcasters are explicitly considered.

Most importantly, the new framework should recognise that the ultimate objective of technical regulation is not simply compliance with technical specifications-it is ensuring that Australians can continue to access reliable broadcasting services.

For regional communities, reliable local radio remains an important part of that access.

Crow FM appreciates the opportunity to contribute to this consultation and encourages the ACMA to continue engaging directly with community broadcasters as the proposed new framework is developed.

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