

Protection zones declared for submarine telecommunications cables off NSW coast

ACMA has declared protection zones around two submarine telecommunications cables of national significance off the coast of Sydney, NSW. The zones will take effect on 1 October 2007. Activities that could damage the cables are restricted or prohibited within protection zones, and heavy penalties apply for breaches of the legislation.

These are the first such protection zones to be declared and are the culmination of extensive consultation over 12 months with affected and potentially affected parties.

Australia is leading the way internationally with protection zones that safeguard submarine cables and place appropriate restrictions on other activities occurring in their vicinity. In making the decision about the protection zones, ACMA sought to maintain appropriate protection for the cables while minimising the impact on affected marine users.

Submarine telecommunications cables are the underwater infrastructure that links Australia with other countries, carrying about 99 per cent of Australia's international voice and data traffic. Disruption or damage to them can dramatically impede the flow of information to and from Australia, and have serious consequences for Australian businesses trying to conduct international transactions.

Optical fibre submarine cables are susceptible to damage from external impact and repairing them is expensive and time-consuming. While the locations of existing cables are well-known and marked on most maritime maps, accidental damage of cables in Australian waters has occurred. Activities that pose the greatest threat to undersea cables are sea-bottom trawl fishing, anchoring, sand-dredging and dumping. Protection zones will minimise the risk of such damage in the future.

ACMA may only declare a protection zone if it is satisfied that the cables concerned are, or will be, of national significance. The Australia Japan Cable and the Southern Cross Cable, which are located in the protected zones, are regarded as

nationally significant high-capacity cables linking Australia to global communications systems and are vital to the national interest.

Before formally declaring a protection zone, ACMA must develop a proposal for the protection zone and consult about the proposal, establish an



PROTECTION ZONES

- Northern Sydney protection zone**—extends from the low-water mark at Narrabeen Beach to an outermost limit of 2,000 metres water depth (40 nautical miles offshore). The zone extends one nautical mile either side of each cable and includes the area between them.
- Southern Sydney protection zone**—extends from the low-water mark at Tamarama Beach and Clovelly Beach to an outermost point of 2,000 metres water depth (30 nautical miles offshore). The zone extends one nautical mile either side of each cable and includes the area between them.

advisory committee of key stakeholders consisting of no more than 12 members, consider the advisory committee's advice on the proposal, consult with the Environment Secretary and consider all submissions. ACMA has fulfilled all requirements, taking into consideration the final report of the advisory committee and the 55 public submissions received.

Leading up to the commencement of the zones on 1 October 2007, ACMA will

inform affected parties about the prohibitions or restrictions within the zones.

Carriers may now apply to ACMA for a permit to install a cable in the protection zones.

More information about the protection zones and prohibited or restricted activities is on the ACMA website at www.acma.gov.au (go to www.acma.gov.au/WEB/STANDARD//pc=PC_100223) or email subcableenquiries@acma.gov.au.

First permit to install a communications submarine cable granted

ACMA has granted the Office des Postes et Télécommunications (OPT) a permit to install a communications submarine cable between Sydney and Noumea, New Caledonia.

The OPT cable project will support the ongoing economic development of the region by offering high-speed connectivity to New Caledonia.

The permit is the first of its kind to be granted by ACMA since Schedule 3A to the *Telecommunications Act 1997* took effect in August 2005. Schedule 3A requires carriers to obtain a permit to install a new submarine cable in Australian waters and enables ACMA to establish protection zones over nationally significant submarine cables. The *Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005* commenced on 23 August 2005 and inserted Schedule 3A into the Telecommunications Act.

It is an offence to install a submarine cable without a permit, to breach conditions of a permit, or to fail to comply with a direction from ACMA to remove an unlawfully installed cable.

Standard conditions are imposed on all permit holders under Schedule 3A, including a condition that the carrier take all reasonable steps to ensure that the installation of the cable causes as little detriment, inconvenience and damage as is practicable.

ACMA may specify conditions on permits and a condition on the OPT permit is that the permit holder must provide the holder of an offshore petroleum exploration permit with 21 days' notice of its installation activities. The OPT cable will traverse an offshore petroleum exploration permit area. Permit holders must also continue to comply with state laws applying to coastal waters, which extend up to three nautical miles (approximately 5.6 kilometres) from the low-water mark.

More information about submarine cable permits is on the ACMA website at www.acma.gov.au (go to For licensees & industry: Licensing & regulation > Telecommunications: Telecommunications regulation > Infrastructure > Submarine telecommunications cables).

