

Protection zone declared for submarine telecommunications cable off the coast of Perth

ACMA has declared a protection zone over a submarine telecommunications cable of national significance off Perth, Western Australia, to take effect on 1 February 2008.

The SEA-ME-WE3 cable is nationally significant as it is a high capacity cable linking Australia to global communications systems and is vital to the national interest. Activities that could damage the SEA-ME-WE3 cable are restricted or prohibited within the protection zone, and significant criminal penalties apply for breaches of the legislation.

The Perth Protection Zone starts at the low water mark at City Beach and extends to 2,000 metres water depth (51 nautical miles from shore) and up to one nautical mile either side of the SEA-ME-WE3 cable. Marmion Marine Park is not part of the zone.

In making the decision about the protection zone, ACMA sought to maintain appropriate protection for the cable while minimising the impact on marine users. The legislation allows for variation to the Perth Protection Zone if new information becomes available.

If carriers wish to install new cables in the Perth Protection Zone they must first obtain a permit from ACMA. They must also continue to comply with Western Australian state laws, including laws about the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders.

In the lead-up to 1 February 2008, when the zone will take effect, ACMA will inform affected

parties about the zone so they are aware of and can comply with the prohibitions or restrictions within the zones.

This is the third protection zone to be declared in Australia and is the culmination of extensive consultation with affected and potentially affected parties over the past 12 months. Two protection zones were declared off Sydney, New South Wales in July 2007.

The *Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005* came into effect in September 2005. The relevant provisions comprise a new Schedule 3A to the *Telecommunications Act 1997* and set out a comprehensive regime for the protection of submarine cables in Australian waters.

Schedule 3A makes ACMA responsible for:

- declaring protection zones over cables of 'national significance' and
- issuing permits to install submarine cables in Australian waters (both in and outside protection zones).

ACMA may only declare a protection zone if it satisfied that the submarine cable(s) is or will be a cable(s) of national significance. The Explanatory Memorandum to the legislation states that 'submarine cables of national significance are generally high

capacity cables that link Australia to global communications systems and are vital to the national interest'.

Activities within protection zones that are likely to cause damage to cables are either prohibited or restricted. There are heavy criminal penalties applying to breaches:

- a. conduct that results in damage to a cable in a protection zone—imprisonment for 10 years or \$66,000, or both
- b. negligent conduct that results in damage to a cable in a protection zone—imprisonment for three years or \$19,800, or both
- c. engaging in prohibited or restricted activities in a protection zone—imprisonment for five years or \$33,000, or both.

Before formally declaring the protection zone, ACMA developed a proposal, and appointed industry and government representatives to an advisory committee. The declaration reflects the advisory committee's recommendations, as well as ACMA's extensive consultation with commercial fishing representatives and views expressed in the 55 public submissions received.

For more information on the protection zone and prohibited or restricted activities go to the ACMA website, or email subcablesenquiries@acma.gov.au.



WHAT ARE SUBMARINE TELECOMMUNICATIONS CABLES?

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.

Damage to these cables can have serious consequences for Australian businesses conducting international transactions by dramatically impeding the flow of information to and from Australia. Any sustained outage further slows information flow, which can cause lost data, significant delays and severe financial loss – not only to cable owners but also to people and businesses that rely on communication links outside Australia.

Optical fibre submarine cables are susceptible to damage and breakage from external impact. Repairing a broken or damaged cable is an expensive and time-consuming exercise. While the locations of existing cables are well-known, and are marked on most maritime maps, accidental damage of cables has occurred several times in recent years in Australian waters. Activities that pose the greatest threat to undersea cables are sea-bottom trawl fishing, anchoring, sand-dredging, and dumping.

