



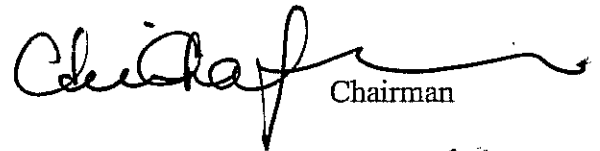
Submarine Cable (Southern Sydney Protection Zone) Declaration 2007

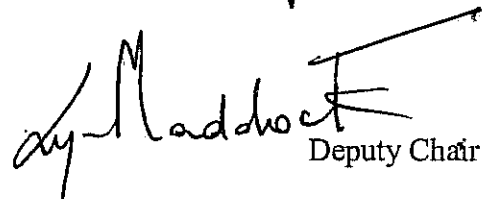
Telecommunications Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Declaration under subclause 4(1) of Schedule 3A to the *Telecommunications Act 1997*.

Dated 12th July 2007




Chairman


Deputy Chair

Australian Communications and Media Authority

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1 Name of Declaration

This Declaration is the *Submarine Cable (Southern Sydney Protection Zone) Declaration 2007*.

2 Commencement

This Declaration commences on 1 October 2007.

3 Definitions

In this Declaration:

abalone spatula means a device that:

- (a) has a blade that is broad, flat and flexible; and
- (b) is used to pry abalone from the seabed.

ACMA means the Australian Communications and Media Authority.

Act means the *Telecommunications Act 1997*.

anchor chain assembly means a length of chain that connects an anchor with an anchor line.

anchor line means a rope or chain used to suspend an anchor from a ship.

Australia has the same meaning as in clause 2 of Schedule 3A to the Act.

Australian waters has the meaning given by clause 2 of Schedule 3A to the Act.

bar means the unit of measurement for ultrasonic pressure waves.

beach safety meshing net has the meaning given by clause 42 of the *Fisheries Management (General) Regulation 2002* (NSW) as in force when this instrument commenced.

benthos means animals or plants that:

- (a) are sedentary; and
- (b) live on the seabed.

branching unit means any part of a submarine cable that allows the cable to branch.

breaking strain, in relation to an object, means the force required for an object to break.

cable carrier, in relation to a submarine cable that is within the Southern Sydney Protection Zone, means:

- (a) if a submarine cable is a network unit — the carrier that owns or jointly owns the cable, or is named in a nominated carrier declaration that is in force in relation to the cable; or
- (b) if a submarine cable is not a network unit and was installed after the commencement of Schedule 3A of the Act — a carrier that held a protection zone installation permit under Schedule 3A to install the cable in the protection zone; or
- (c) in any other case — the carrier that owns, or jointly owns, a network unit that is immediately connected to the cable, or is named in a nominated carrier declaration in force in relation to that network unit.

circle type hook means a circular fishing hook where the barb of the hook faces its shaft.

civil engineering work includes:

- (a) planning, design, construction, maintenance, management and demolition of a fixed structure or public works; and
- (b) depositing sand in a place.

conduct has the meaning given by clause 2 of Schedule 3A to the Act.

dropline means a vertically-set weighted fishing line with 6 or more hooks that is:

- (a) used or intended to be used in water; and
- (b) kept vertical by a float.

electro-optic devices means those electronic parts of a submarine cable that manage or re-transmit communications along a line.

equaliser means submerged electro-optic devices that are installed at intervals along a submarine cable to boost signal transmission.

explosive device does not include:

- (a) firearms of less than 20 millimetre calibre; or
- (b) firearms used or intended to be used for life saving or distress signalling purposes.

grapnel means a grabbing device used, or intended to be used, to grab an item on the seabed.

grid lines means the local pattern used to map the seabed with seismic survey equipment.

installation has the same meaning as in clause 2 of Schedule 3A to the Act.

J-hook means a fishing hook where the barb of the hook is parallel to the shaft.

longline means a fishing line with 6 or more hooks lying horizontally along or near the seabed.

low water mark means the height of the lowest ebb tide.

mainline means the principal fishing line used or intended to be used as, or as part of, a dropline, longline, setline or trotline.

midwater trawl means trawl gear that is designed and rigged to work in mid-water, including surface water.

network unit has the meaning given by Division 2 of Part 2 of the Act.

New South Wales means the State of New South Wales.

nominal location means the nominal location of the Australian Japan Cable or Southern Cross Cable specified in section 7 of this Declaration.

ocean disposal point includes a point designated or declared by the Commonwealth or a State or Territory government to be a point where the disposal or abandonment of material is permitted (whether or not particular material is specified).

pressure waves means controlled pulses of sound generated by seismic survey equipment.

protection zone installation permit has the meaning given by clause 2 of Schedule 3A to the Act.

repeater means a device used, or intended to be used, to enhance the signal along a submarine cable or part of a submarine cable.

scuttle, in relation to a ship, means to deliberately sink a ship.

seismic survey means any method of exploration for resources that:

- (a) involves the transmission of pressure waves into the seabed; and
- (b) requires the measurement of vibrations that occur because of those pressure waves.

setline means a fishing line that has multiple snoods attached to a horizontal demersal-set mainline.

ship has the meaning given by clause 2 of Schedule 3A to the Act.

shot means the weight attached to the end of a shotline.

shotline means a weighted line that may be used to moor a ship.

sliding ring anchor means an anchor that has an anchor line fitted to a ring that is designed to slide freely along the shank of the anchor.

Southern Sydney Protection Zone means the protection zone that is declared by this Declaration.

snood means any hook and fishing line that is connected, whether directly or indirectly and whether permanently or temporarily, to a mainline.

spoil ground means an area where specified material may be disposed and includes an area designated or declared by the Commonwealth or a State or Territory government to be an area where the disposal or abandonment of specific material is permitted.

submarine cable has the meaning given by clause 2 of Schedule 3A to the Act.

submerged plant items, in relation to a submarine cable that is in the Southern Sydney Protection Zone, means electronic components of a submarine cable system that serve to manage, or intended to manage, the signal at intervals along the cable's route.

Example

Repeaters, equalisers and branching units are all submerged plant items.

trace means any fishing line used to attach a hook to a mainline.

trap rope means any rope used to suspend a pot or trap from a ship.

trip anchor means an anchor that is:

- (a) fitted with lugs at both ends of the shank; and
- (b) an anchor line or rope fitted securely to the front lug (located near the anchor prongs) and then tethered to the rear lug via a weak or 'sacrificial' link.

trip release mechanism, in relation to an anchor, means a device or system that, when fitted to an anchor, allows the anchor to be removed backwards from the seabed.

trotline means 2 or more droplines that are connected by horizontal mid-water bars.

Note Other terms in this Declaration have the meaning given by the Act.

4 **Definition of *line***

In this Declaration, *line* has its ordinary meaning when used in relation to:

- (a) fishing; or
- (b) fishing operations; or
- (c) a shot line; or
- (d) anchors.

Note Line is defined in section 7 of the Act.

5 **Application of Declaration**

This Declaration applies to the extent that it is consistent with Australia's jurisdiction under international law.

6 **Area of the Southern Sydney Protection Zone**

For clause 9 of Schedule 3A to the Act the Southern Sydney Protection Zone is the area contained within and bounded by a notional line as follows:

- (a) the line commences at the mean low water mark off the coastline of New South Wales closest to 33° 53' 21.5" S 151° 17' 07.6" E (point number 1), then running generally south easterly along the geodesic line as described in table 1:

Table 1

Point Number	Latitude	Longitude
2	33° 53' 36.7" S	151° 17' 23.3" E
3	33° 54' 03.6" S	151° 18' 02.4" E
4	33° 55' 56.5" S	151° 21' 39.7" E
5	34° 04' 16.6" S	151° 31' 21.6" E
6	34° 08' 01.1" S	151° 36' 14.9" E
7	34° 15' 05.6" S	151° 46' 30.2" E

- (b) the line then runs generally south westerly along the geodesic line to 34° 22' 06.5" S 151° 41' 36.2" E (point number 8), then generally north westerly along the geodesic line as described in table 2:

Table 2

Point Number	Latitude	Longitude
9	34° 19' 48.5" S	151° 37' 23.6" E
10	34° 10' 48.0" S	151° 25' 59.8" E
11	34° 00' 38.2" S	151° 22' 08.1" E
12	33° 58' 36.0" S	151° 21' 07.8" E
13	33° 58' 08.4" S	151° 20' 45.8" E
14	33° 57' 58.4" S	151° 20' 31.0" E
15	33° 55' 53.7" S	151° 16' 21.4" E

- (c) the line then runs along the geodesic line to a point on the mean low water mark off the coastline of New South Wales closest to the point 33° 55' 53.7" S 151° 15' 36.5" E (point number 16);
- (d) the line then runs generally northerly along that mean low water mark to point number 1.

Note All coordinates in this Declaration are provided in the World Geodetic System 1984 which is identical to the Australian Geodetic Datum 1994 as described in the *Commonwealth of Australia Gazette* GN35 of 6 September 1995.

7 Nominal location of submarine cables in the Southern Sydney Protection Zone

- (1) For clause 8 of Schedule 3A to the Act, the nominal location for the Australian Japan Cable in the Southern Sydney Protection Zone is a course that joins the coordinates in table 3 by the shortest route.

Table 3 Australian Japan Cable

Point number	Latitude	Longitude
1	33° 54' 56" S	151° 17' 26" E

Point number	Latitude	Longitude
2	33° 55' 00" S	151° 17' 37" E
3	33° 57' 21" S	151° 21' 50" E
4	34° 04' 59" S	151° 30' 31" E
5	34° 08' 47" S	151° 35' 29" E
6	34° 14' 11" S	151° 43' 42" E
7	34° 15' 05" S	151° 44' 48" E
8	34° 15' 48" S	151° 45' 39" E
9	34° 29' 50" S	152° 19' 58" E
10	33° 49' 28" S	153° 01' 43" E
11	30° 20' 02" S	155° 16' 09" E
12	29° 10' 49" S	156° 20' 06" E
13	25° 30' 18" S	156° 39' 25" E
14	23° 58' 44" S	158° 03' 19" E

- (2) For clause 8 of Schedule 3A to the Act, the nominal location for the Southern Cross Cable in the Southern Sydney Protection Zone is a course that joins the coordinates in table 4 by the shortest route.

Table 4 Southern Cross Cable

Point number	Latitude	Longitude
1	33° 54' 39" S	151° 16' 33" E
2	33° 55' 21" S	151° 17' 23" E
3	33° 55' 59" S	151° 18' 48" E
4	33° 56' 28" S	151° 19' 24" E
5	33° 56' 54" S	151° 20' 20" E
6	33° 57' 03" S	151° 21' 04" E
7	33° 57' 28" S	151° 21' 40" E
8	33° 58' 11" S	151° 22' 15" E
9	33° 59' 17" S	151° 22' 35" E
10	34° 00' 14" S	151° 23' 15" E
11	34° 01' 39" S	151° 23' 45" E
12	34° 02' 05" S	151° 23' 39" E
13	34° 09' 00" S	151° 26' 16" E
14	34° 10' 10" S	151° 26' 56" E
15	34° 18' 58" S	151° 38' 03" E
16	34° 21' 16" S	151° 42' 16" E

Point number	Latitude	Longitude
17	34° 41' 58" S	153° 10' 12" E
18	34° 20' 43" S	153° 48' 22" E
19	34° 34' 48" S	155° 40' 59" E
20	34° 57' 48" S	158° 06' 07" E
21	35° 08' 25" S	159° 15' 24" E

8 Prohibited activities in the Southern Sydney Protection Zone

- (1) Subject to subsection (2), an activity mentioned in table 5 is prohibited in the Southern Sydney Protection Zone.

Table 5 Prohibited activities in the Southern Sydney Protection Zone

Item	Prohibited activity
1	an activity mentioned in subparagraph 10 (4) (a) (i), (iv) or (viii) of Schedule 3A to the Act
2	the use of any of the following: <ul style="list-style-type: none"> (a) a mid-water trawl; (b) a type of net, rope, chain or other object used in fishing operations that is capable of contacting the seabed; (c) demersal longline; (d) a Danish seine; (e) a Scottish seine
3	towing, operating or suspending from a ship an object used in an activity mentioned in item 1 or 2
4	scuttling or attempting to scuttle a ship
5	establishing, maintaining or using a spoil ground or other ocean disposal point

Note For paragraph (c) in item 2 setlines and trotlines are examples of demersal longlines.

- (2) An activity described in paragraph 2 (b) of table 5 is not a prohibited activity for the purposes of this Declaration if the activity is:
- (a) carried out in the course of fishing operations; and
 - (b) listed as a restricted activity in items 1 to 5 of table 6.

9 Restricted activities in the Southern Sydney Protection Zone

- (1) An activity mentioned in an item in table 6 is restricted in the Southern Sydney Protection Zone, subject to an exception mentioned in the item.

Table 6 Restricted activities in the Southern Sydney Protection Zone

Item	Activity	Restriction
1	the use of a net anchored to the seabed	the activity must not occur in waters more than 500 metres from the low-water mark
2	the use of a pot or trap	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless:</p> <ul style="list-style-type: none"> (a) the pot or trap consists of: <ul style="list-style-type: none"> (i) a rectangular base or floor not exceeding 2 metres in length and 2 metres in width; or (ii) a circular base or floor not exceeding 2 metres in diameter; and (b) the trap rope has a breaking strain that does not exceed 850 kilograms and it is not composed of wire
3	the use of a demersal dropline	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless:</p> <ul style="list-style-type: none"> (a) only circle-type hooks are used; and (b) the demersal dropline has a breaking strain that does not exceed 850 kilograms; and (c) the demersal dropline does not use a mainline, snoods or traces made with wire
4	the use of a demersal fishing line containing J-hooks	the activity must not occur in waters more than 500 metres from the low-water mark unless the demersal fishing line has a breaking strain that does not exceed 50 kilograms

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Item	Activity	Restriction
5	the use of a grapnel	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless it occurs in the course of any of the following:</p> <ul style="list-style-type: none">(a) exploring for or exploiting resources (other than marine species) in accordance with item 12;(b) installing, maintaining or removing an electricity cable, an oil or gas pipeline and any like cables or pipelines and any associated equipment in accordance with item 7;(c) constructing or removing a navigational aid in accordance with item 10 or 13;(d) constructing or removing an installation for the use of ships in accordance with item 9;(e) conducting civil engineering work in accordance with item 13;(f) conducting research that involves contact with the seabed in accordance with item 14
6	the towing, operating, or suspending from a ship of an object mentioned in items 1 to 5 of this table	the restriction specified in that item

Item	Activity	Restriction
7	installing an electricity cable, an oil or gas pipeline, any like cables or pipelines, and any associated equipment	<p>the activity must not occur unless:</p> <ul style="list-style-type: none"> (a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with: <ul style="list-style-type: none"> (i) the particulars of the activity to be undertaken; and (ii) the location of the activity; and (b) the entity responsible for the activity has: <ul style="list-style-type: none"> (i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and (ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and (c) the activity occurs in a manner that does not damage or impede the efficient operation maintenance, or repair of a submarine cable in the Southern Sydney Protection Zone; and (d) the path across the Southern Sydney Protection Zone followed by the new cable or pipeline is minimised to the greatest extent practicable; and (e) the new cable, pipeline or equipment does not approach or cross a submarine cable in the Southern Sydney Protection Zone less than 500 metres from the cable's submerged plant items of that submarine cable (as determined following consultation with each cable carrier)

Section 9

Item	Activity	Restriction
8	maintaining or removing an electricity cable, an oil or gas pipeline, any like cables or pipelines, and any associated equipment	<p>the activity must not occur unless:</p> <ul style="list-style-type: none">(a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with:<ul style="list-style-type: none">(i) the particulars of the activity to be undertaken; and(ii) the location of the activity; and(b) the entity responsible for the activity has:<ul style="list-style-type: none">(i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and(ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and(c) the activity occurs in a manner that is not likely to damage or impede the efficient operation, maintenance, or repair of a submarine cable in the Southern Sydney Protection Zone

Item	Activity	Restriction
9	constructing or removing an installation for the use of ships	<p>the activity must not occur unless:</p> <ul style="list-style-type: none"><li data-bbox="820 373 1322 497">(a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with:<ul style="list-style-type: none"><li data-bbox="867 508 1322 574">(i) the particulars of the activity to be undertaken; and<li data-bbox="867 585 1322 618">(ii) the location of the activity; and<li data-bbox="820 628 1322 1120">(b) the entity responsible for the activity has:<ul style="list-style-type: none"><li data-bbox="867 694 1322 819">(i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and<li data-bbox="867 829 1322 1120">(ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and<li data-bbox="820 1131 1322 1284">(c) the activity occurs in a manner that is not likely to damage or impede the efficient operation, maintenance, or repair of a submarine cable in the Southern Sydney Protection Zone

Section 9

Item	Activity	Restriction
10	constructing navigational aids	<p>the activity must not occur unless:</p> <ul style="list-style-type: none">(a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with:<ul style="list-style-type: none">(i) the particulars of the activity to be undertaken; and(ii) the location of the activity; and(b) the entity responsible for the activity has:<ul style="list-style-type: none">(i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and(ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and(c) the activity occurs in a manner that is not likely to damage or impede the efficient operation, maintenance, or repair of a submarine cable in the Southern Sydney Protection Zone
11	harvesting the benthos	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless the activity is conducted by hand</p>

Item	Activity	Restriction
12	exploring for or exploiting resources (other than marine species)	<p>the activity must not occur unless:</p> <ul style="list-style-type: none"> (a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with: <ul style="list-style-type: none"> (i) the particulars of the activity to be undertaken; and (ii) the location of the activity; and (iii) the expected commencement date and duration of the activities to be undertaken; and (b) the entity responsible for the activity has: <ul style="list-style-type: none"> (i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and (ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and (c) the activity occurs in a manner that is not likely to damage or impede the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and (d) if a planned seismic survey would result in pressure waves of 2.0 bar or more arriving at the seabed in the location of any electro-optic devices associated with a submarine cable, the entity conducting the seismic survey company adjusts the grid lines in order to reduce the pressure seen by the electro-optic devices to less than 2.0 bar; and (e) the activity, to the extent that it relates to exploiting resources, is not likely to involve physical contact with the seabed (other than in the installation of cables or pipelines in accordance with item 7)

Section 9

Item	Activity	Restriction
13	removing a navigational aid or conducting civil engineering work	<p>the activity must not occur unless:</p> <ul style="list-style-type: none">(a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with:<ul style="list-style-type: none">(i) the particulars of the activity to be undertaken; and(ii) the location of the activity; and(b) the entity responsible for the activity has:<ul style="list-style-type: none">(i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and(ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and(c) the activity occurs in a manner that is not likely to damage or impede the efficient operation, maintenance, or repair of a submarine cable in the Southern Sydney Protection Zone

Item	Activity	Restriction
14	conducting research that involves contact with the seabed	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless:</p> <ul style="list-style-type: none"> (a) the entity responsible for the activity has, not later than 21 days before the activity, provided each cable carrier with: <ul style="list-style-type: none"> (i) the particulars of the activity to be undertaken; and (ii) the location of the activity; and (b) the entity responsible for the activity has: <ul style="list-style-type: none"> (i) complied with any reasonable written request for information from a cable carrier within 7 days of receiving the request; and (ii) considered and responded to any reasonable representations made to it by a cable carrier in relation to the likelihood of damage, or an impediment, to the efficient operation, maintenance or repair of a submarine cable in the Southern Sydney Protection Zone; and (c) the activity occurs in a manner that is not likely to damage or impede the efficient operation, maintenance, or repair of a submarine cable in the Southern Sydney Protection Zone
15	the use of an explosive or explosive device	<p>the activity must not occur unless:</p> <ul style="list-style-type: none"> (a) the activity occurs in the course of exploring for or exploiting resources (other than marine species) in accordance with item 12; or (b) the activity occurs in the course of constructing or removing a navigational aid, an installation for the use of ships, or conducting civil engineering work in accordance with item 9, 10 or 13; or (c) the activity occurs in the course of an exercise conducted by or with the Australian Defence Force within a declared Firing Practice Area

Section 9

Item	Activity	Restriction
16	lowering, raising or suspending a shotline from a ship	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless:</p> <ul style="list-style-type: none"> (a) the ship is operating in waters less than 100 metres deep; and (b) the shot does not weigh more than 20 kilograms; and (c) the shotline has a maximum breaking strain that does not exceed 850 kilograms
17	lowering, raising or suspending an anchor from a ship	<p>the activity must not occur in waters more than 500 metres from the low-water mark unless:</p> <ul style="list-style-type: none"> (a) the ship is operating in waters less than 100 metres deep, and <ul style="list-style-type: none"> (i) the ship's anchor does not weigh more than 20 kilograms and is fitted with a trip release mechanism; and (ii) the anchor line has a maximum breaking strain that does not exceed 850 kilograms at the point of attachment to the anchor or anchor chain assembly; or (b) the anchor does not weigh more than 30 kilograms and the ship is anchored in an area bounded by the coordinates described in table 7

Note 1 Items 1 to 6 and 11 to 17 of table 6 relate to paragraph 11 (3) (g) of Schedule 3A to the Act.

Note 2 Items 7 and 8 of table 6 relate to paragraph 11 (3) (d) of Schedule 3A to the Act.

Note 3 Item 9 of table 6 relates to paragraph 11 (3) (e) of Schedule 3A to the Act.

Note 4 Item 10 of table 6 relates to paragraph 11 (3) (f) of Schedule 3A to the Act.

Example 1

In relation to item 1 of table 6 a demersal gillnet and a beach safety meshing net (within the meaning given by clause 42 of the *Fisheries Management (General) Regulation 2002* (NSW) as in force at the commencement of this Declaration) are nets that are anchored to the seabed.

Example 2

In relation to item 11 of table 6 harvesting the benthos by hand includes the use of an abalone spatula.

Example 3

In relation to item 12 of table 6 repeaters, equalisers and branching units are electro-optic devices.

Example 4

In relation to item 17 of table 6 a sliding ring anchor and a trip release anchor are anchors fitted with a trip release mechanism.

- (2) Table 7 sets out an area in the Southern Sydney Protection Zone for the purposes of the exception to the restriction in paragraph (b) in item 17 in table 6.

Table 7 **Coordinates for an area in the Southern Sydney Protection Zone**

Point number	Latitude	Longitude
1	33° 58' 06.00" S	151° 21' 18.00" E
2	33° 58' 06.00" S	151° 21' 54.00" E
3	33° 59' 09.00" S	151° 21' 54.00" E
4	33° 59' 09.00" S	151° 21' 18.00" E