

**Joint Submission to the
Senate Standing Committee on Environment and Communications**

**Comments on the
“Telecommunications Legislation Amendment
(Submarine Cable Protection) Bill 2013”**

Submitted by

**Southern Cross Cables Limited (Australia)
Telstra Corporation Limited
SingTel Optus Pty Ltd.
Australia Japan Cable (Australia) Ltd.
Basslink Pty Ltd.**

15 February 2014

1. Introduction

The Australian Submarine Cable operators, which include Southern Cross Cables Limited (Aust.), Telstra Corporation Limited, SingTel Optus, Australia Japan Cable (Australia) Limited, and Basslink Pty. Ltd, are replying to the Standing Committee on Environment and Communications' request to provide comments on the Inquiry into the *Telecommunications Legislation Amendment (Submarine Cable Protection) Bill 2103*.

Our collective comments are outlined in this joint submission.

Overall, we believe the legislative amendments have broadly addressed the issues that this group raised with the Department of Broadband Communications and the Digital Economy (DBCDE) in our joint submissions in February 2011 and April 2013, and we fully support the Amendment Bill that is currently before the Senate.

2. Comments on Proposed Amendments

We are pleased that the proposed amendments are consistent with the aims of the industry to continue to provide security and protection over Australia's submarine cables which are part of the nation's critical infrastructure.

In particular we note that:

- The inconsistency between Schedule 3A and international law have been considered and addressed.
- Further streamlining of the installation permit application process is positive and addresses the inconsistency of requiring two permits when a cable passes through the protection zone and non-protection zone areas. This streamlining of permits improves the certainty of the permit process which aids significantly in reducing overall project costs and minimise any delays.
- Domestic submarine cables will be brought within the scope of the regime which should provide better protection and security.

3. Comments on the vulnerability of Australia's telecommunications cables

Australian Carriers operating submarine telecommunications cables comply with relevant legislated obligations. This includes lawful interception requests from an Australian law enforcement agency.

From an infrastructure perspective, the subsea elements of in-service submarine optical fibre cables, such as cable and repeaters, include various forms of protection. Protection includes armoured cabling surrounding the optical fibres, subsea burial of the cable to 2000m water depth, and the water depth itself. The Australian cable operators also commend the Australian Government for the additional protection of Australia's submarine cables through the prohibited and restricted activities under Schedule 3A, plus significant financial penalties under Schedule 3A as deterrents to damaging the cables.

4. Comments on ACMA Recommendations

The ACMA's "Report on the operation of the submarine cable protection regime" (2010) also made some other recommendations which are more operational in nature and not legislative. The industry would like to reaffirm its view on Recommendation 1 – Compliance Monitoring.

Recommendation 1 – Compliance Monitoring.

We believe it is essential that active compliance monitoring be undertaken in a cost effective and practical manner to ensure the security of cable infrastructure. We support ongoing review to determine what monitoring could be provided, but also point out the following;

- We would support the use of the Automatic Identification System (AIS), which is a mandatory requirement of the International Maritime Organisation (IMO) and is fitted aboard all vessels of greater than 300 Gross tons. Additional receiving stations could be placed at the protection zone sites at relatively low cost and access to data can be gained through commercial operators.
- We would support greater freedom of access to Vessel Monitoring System (VMS) data. All fishing boats are required to have working VMS equipment. However access to the data is difficult to obtain and is held by the Australian Fisheries Management Authority (AFMA). This data is essential in determining faults to cables within the protection zones.

In conclusion, we appreciate the opportunity to have worked with the various government Departments in reviewing the legislative inconsistencies and being able to provide suggestions and comments on improvements.

Furthermore, we congratulate the Government on consulting with the industry and providing an environment for valuable private-public cooperation.

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