



Submarine Cables and Pipelines Protection Act 1963

Act No. 61 of 1963 as amended

This compilation was prepared on 20 September 2005
taking into account amendments up to Act No. 104 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Contents

1	Short title [see Note 1]	1
2	Commencement [see Note 1].....	1
3	Saving of other laws.....	1
4	Extension of Act to Territories.....	1
5	Act applies only to cables and pipelines beneath the high seas	1
5A	Application of the <i>Criminal Code</i>	2
6	Act binds Crown	2
7	Persons not to break or injure submarine cables or pipelines.....	2
8	Liability for breaking or injuring a cable or pipeline.....	3
9	Indemnity for loss of anchor etc.....	3
10	Punishment of offences	3
11	Jurisdiction of courts.....	4

Notes

5

An Act relating to the Protection of Submarine Cables and Pipelines beneath the High Seas

1 Short title [see Note 1]

This Act may be cited as the *Submarine Cables and Pipelines Protection Act 1963*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Saving of other laws

- (1) This Act shall be read and construed as being in addition to and not in derogation of or in substitution for any other law of the Commonwealth or of a State or Territory.
- (2) The reference in the last preceding subsection to a law of the Commonwealth includes a reference to the Imperial Act known as the Submarine Telegraph Act, 1885, insofar as that Act is part of the law of the Commonwealth.

4 Extension of Act to Territories

This Act extends to all the Territories.

5 Act applies only to cables and pipelines beneath the high seas

- (1) This Act applies only to a submarine cable or pipeline, or that part of a submarine cable or pipeline:
 - (a) that is beneath the high seas or in the exclusive economic zone; and
 - (b) that is not a submarine cable (within the meaning of Schedule 3A to the *Telecommunications Act 1997*) in a protection zone (within the meaning of that Schedule).
- (2) In subsection (1):

exclusive economic zone has the same meaning as in the *Seas and Submerged Lands Act 1973*.

high seas has the same meaning as in the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982.

5A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

6 Act binds Crown

This Act binds the Crown in right of the Commonwealth or of a State and any authority constituted by or under a law of the Commonwealth, a State or a Territory.

7 Persons not to break or injure submarine cables or pipelines

- (1) A person commits an offence if the person engages in conduct and the conduct results in a ship registered in Australia or in a Territory breaking or injuring:
- (a) a submarine telegraph or a telephone cable in such a manner as might interrupt or obstruct telegraphic or telephonic communications; or
 - (b) a submarine pipeline; or
 - (c) a submarine high-voltage cable.

Penalty: \$2,000, or imprisonment for 12 months.

- (1A) A person commits an offence if the person engages in conduct and the person is negligent as to whether the conduct will result in a ship registered in Australia or in a Territory breaking or injuring:
- (a) a submarine telegraph or a telephone cable in such a manner as might interrupt or obstruct telegraphic or telephonic communications; or
 - (b) a submarine pipeline; or
 - (c) a submarine high-voltage cable.

Penalty: \$1,000, or imprisonment for 3 months.

- (2) Where:
- (a) a breakage of, or an injury to, a cable or pipeline is caused by persons acting with the sole object of saving their lives or their ships; and
 - (b) those persons took all necessary precautions to avoid breaking or injuring the cable or pipeline,
- the last preceding subsection does not apply in relation to the break or injury.
- (3) In this section:
- engage in conduct* means:
- (a) do an act; or
 - (b) omit to perform an act.

8 Liability for breaking or injuring a cable or pipeline

If a person, in the course of laying or repairing a submarine cable or pipeline of which he is the owner, causes a break in or injury to another cable or pipeline, he is liable to bear the cost of repairing the break or injury.

9 Indemnity for loss of anchor etc

If, after all reasonable precautionary measures have been taken, an anchor, a net or any other fishing gear belonging to a ship is sacrificed in order to avoid injuring a submarine cable or pipeline, the owner of the ship is entitled to be indemnified for his loss by the owner of the cable or pipeline.

10 Punishment of offences

- (1) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.
- (2) In summary proceedings against a person for an offence against this Act, the court shall not impose on that person, in respect of the offence, a penalty exceeding One thousand dollars or imprisonment for a term exceeding three months.

11 Jurisdiction of courts

- (1) Subject to the succeeding provisions of this section:
 - (a) the several courts of the States are invested with federal jurisdiction; and
 - (b) jurisdiction is conferred on the several courts of the Territories,with respect to offences against this Act.
- (2) The jurisdiction invested in or conferred on courts by the last preceding subsection is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise, but subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of subsection (2) of section thirty-nine of the *Judiciary Act 1903-1960*.
- (3) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate.
- (4) The trial on indictment of an offence against this Act, not being an offence committed within a State, may be held in any State or in any Territory.
- (5) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for:
 - (a) their summary conviction;
 - (b) their examination and commitment for trial on indictment;
 - (c) their trial and conviction on indictment; and
 - (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act.
- (6) Except as provided by this section, the *Judiciary Act 1903-1960* applies in relation to offences against this Act.

Table of Acts**Notes to the *Submarine Cables and Pipelines Protection Act 1963*****Note 1**

The *Submarine Cables and Pipelines Protection Act 1963* as shown in this compilation comprises Act No. 61, 1963 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Submarine Cables and Pipelines Protection Act 1963</i>	61, 1963	28 Oct 1963	28 Oct 1963	
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	S. 9(1)
<i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001</i>	143, 2001	1 Oct 2001	2 Oct 2001	S. 4 [see Table A]
<i>International Maritime Conventions Legislation Amendment Act 2001</i>	149, 2001	1 Oct 2001	Schedule 4: Royal Assent (a)	—
<i>Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005</i>	104, 2005	23 Aug 2005	Schedule 1 (item 1): 20 Sept 2005	—

Act Notes

- (a) The *Submarine Cables and Pipelines Protection Act 1963* was amended by Schedule 4 only of the *International Maritime Conventions Legislation Amendment Act 2001*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Preamble.....	rep. No. 149, 2001
Ss. 3, 4	am. No. 216, 1973
S. 5	am. No. 149, 2001; No. 104, 2005
S. 5A.....	ad. No. 143, 2001
S. 6	am. No. 216, 1973
S. 7	am. No. 93, 1966; No. 216, 1973; No. 143, 2001
S. 10	am. No. 93, 1966
S. 11	am. No. 216, 1973

Table A

Table A

Application, saving or transitional provisions

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 (No. 143, 2001)

4 Application of Amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.