Submarine Cables and Pipelines Protection Act 1963

No. 61, 1963

Compilation No. 11

Compilation date: 21 October 2016
Includes amendments up to: Act No. 61, 2016
Registered: 24 October 2016

Prepared by the Office of Parliamentary Counsel, Canberra
About this compilation

This compilation

This is a compilation of the Submarine Cables and Pipelines Protection Act 1963 that shows the text of the law as amended and in force on 21 October 2016 (the compilation date).

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Contents

1 Short title ................................................................. 1
2 Commencement .......................................................... 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 Criminal Code ................................ 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 ................................................. 4
11 Jurisdiction of courts .................................................. 4

Endnotes

Endnote 1—About the endnotes 6
Endnote 2—Abbreviation key 8
Endnote 3—Legislation history 9
Endnote 4—Amendment history 11
An Act relating to the Protection of Submarine Cables and Pipelines beneath the High Seas

1 Short title

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

2 Commencement

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).
Section 5A

(2) In subsection (1):


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, of each of the States, of the Australian Capital Territory and of the Northern Territory 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: Imprisonment for 12 months or 20 penalty units.

(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:
Section 8

(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: Imprisonment for 3 months or 10 penalty units.

(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 or she is the owner, causes a break in or injury to another cable or pipeline, he or she 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 or her 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 of imprisonment for a term exceeding 3 months or a pecuniary penalty exceeding 10 penalty units.

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.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The Legislation Act 2003 authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misd described amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can
Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.
Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
ed = editorial change
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = Legislation Act 2003
LIA = Legislative Instruments Act 2003
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
pres = present
prev = previous
(prev…) = previously
Pt = Part(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

Submarine Cables and Pipelines Protection Act 1963

Compilation No. 11
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Registered: 24/10/16
**Endnote 3—Legislation history**

<table>
<thead>
<tr>
<th>Act</th>
<th>Number and year</th>
<th>Assent</th>
<th>Commencement</th>
<th>Application, saving and transitional provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005</td>
<td>104, 2005</td>
<td>23 Aug 2005</td>
<td>Sch 1 (item 1): 20 Sept 2005 (s 2(1) item 2)</td>
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<td>Statute Law Revision Act 2008</td>
<td>73, 2008</td>
<td>3 July 2008</td>
<td>Sch 4 (items 478, 479): 4 July 2008 (s 2(1) item 64)</td>
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<tr>
<td>Acts Interpretation Amendment Act 2011</td>
<td>46, 2011</td>
<td>27 June 2011</td>
<td>Sch 2 (item 1073) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 7, 12)</td>
<td>Sch 3 (items 10, 11)</td>
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</tbody>
</table>

*Submarine Cables and Pipelines Protection Act 1963* 9

Compilation No. 11  
Compilation date: 21/10/16  
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Authorised Version C2016C00970 registered 24/10/2016
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<table>
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<th>Application, saving and transitional provisions</th>
</tr>
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<td>Statute Law Revision Act (No. 2) 2015</td>
<td>145, 2015</td>
<td>12 Nov 2015</td>
<td>Sch 3 (item 37): 10 Dec 2015 (s 2(1) item 7)</td>
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### Endnote 4—Amendment history

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<thead>
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<th>Provision affected</th>
<th>How affected</th>
</tr>
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<tbody>
<tr>
<td>Preamble</td>
<td>rep No 149, 2001</td>
</tr>
<tr>
<td>s 3</td>
<td>am No 216, 1973</td>
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<td>s 4</td>
<td>am No 216, 1973</td>
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<tr>
<td>s 5</td>
<td>am No 149, 2001; No 104, 2005; No 46, 2011</td>
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<td>s 5A</td>
<td>ad No 143, 2001</td>
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<td>s 6</td>
<td>am No 216, 1973; No 145, 2015</td>
</tr>
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<td>s 7</td>
<td>am No 93, 1966; No 216, 1973; No 143, 2001; No 61, 2016</td>
</tr>
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<td>s 8</td>
<td>am No 73, 2008</td>
</tr>
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<td>s 9</td>
<td>am No 73, 2008</td>
</tr>
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<td>s 10</td>
<td>am No 93, 1966; No 61, 2016</td>
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<td>am No 216, 1973</td>
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