



**Australian Government**  
**Department of Foreign Affairs and Trade**

RECEIVED  
11 MAR 2005

BY: *Gillian Gould*

8 March 2005

77 7 December 04
Submission No: ..... 5 .....

Ms Gillian Gould  
Committee Secretary  
Joint Standing Committee on Treaties  
Parliament House  
CANBERRA ACT 2600

Dear Ms Gould

I am writing in advance of the resumption of the Committee's hearing on 14 March 2005 on the Treaty between the Government of Australia and the Government of New Zealand Establishing Certain Exclusive Economic Zone Boundaries and Continental Shelf Boundaries (the Treaty) to inform you that the text before the Committee is subject to rectification of the co-ordinates of five turning points of the Macquarie Island/Campbell and Auckland Islands boundary set out in Article 3 of the Treaty.

The need to alter the text arises as a consequence of a clerical error made in finalisation of the Australian signature text. There is no similar error in the New Zealand signature text, which conforms with the text formally approved by the Australian Government.

In these circumstances, Article 79 of the Vienna Convention on the Law of Treaties permits the text of the Treaty to be rectified by an exchange of diplomatic Notes between the parties. Such an exchange will be likely to have taken place by 14 March 2005.

The corrected co-ordinates of the five points in question are set out below, with changes from the tabled text indicated in bold:

Point ANZ 38 (paragraph (h)) – the coordinates should be latitude 52° 46' **50.62**" south, longitude 162° 44' **42.77**" east

Point ANZ 39 (paragraph (i)) – the coordinates should be latitude 52° 47' **42.61**" south, longitude 162° 45' **53.41**" east

Point ANZ 43 (paragraph (m)) – the coordinates should be latitude 54° 40' **13.65**" south, longitude 164° 40' **40.22**" east

Point ANZ 46 (paragraph (p)) – the coordinates should be latitude 55° 00' **11.94**" south, longitude 164° 38' **17.35**" east

Point ANZ 47 (paragraph (q)) – the coordinates should be latitude 55° 10' 06.11" south, longitude 164° 36' 21.26" east.

The area between the corrected and uncorrected lines is of the order of 100 square metres.

If the Committee has any questions on the rectification, I or a witness from Geoscience Australia will be pleased to answer them at the hearing.

These errors also mean that the Proclamations under the *Seas and Submerged Lands Act 1973* made in relation to the new maritime boundary between Australia and New Zealand will also require amendment. The Attorney-General's Department, which administers that Act, will be able to answer any questions in this regard.

I would be grateful if you could bring this matter to the Committee's attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Larsen', with a long horizontal line extending to the right.

James Larsen  
Assistant Secretary  
Legal Branch  
International Organisations and Legal Division