

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program 1.1

Question No. 84

Senator Abetz asked the following question at the hearing on 22 February 2011:

I refer to the Question on Notice 69 from the October Estimates regarding Elizabeth and Middleton Islands. Further to the questions answered in QON 69:

1. Has the additional legal advice that was sought by the Government been obtained?
 - (a) If not, when does the Government expect the advice to be given and what is the reason for the advice not being received?
 - (b) If so, please state when the advice was received, the source, nature, advice and the ramifications of the additional advice obtained.
2. Understanding that the Department of Regional Australia, Regional Development and Local Government now administers the Territory of the Coral Sea Islands and consequently Elizabeth and Middleton Reefs (Islands), has the Attorney-General's Department taken any other action to satisfy the Government's Risk Assessment Policy?
 - (a) If no, why not? Please list all legal and other reasoning considered when making that decision.
 - (b) If so, please explain the nature of the action taken.

The answer to the honourable senator's question is as follows:

1. Yes.
 - (a) Not applicable.
 - (b) A written opinion was provided by the Solicitor-General, Stephen Gageler SC, on 22 November 2010. The previously stated position of the Government concerning the alleged rights of the Ure-Chan Group over Elizabeth and Middleton Islands has not changed following the receipt of that opinion.
2. As noted in the question the Attorney-General's Department is no longer responsible for the administration of the Coral Sea Islands Territory. It has taken no other action concerning the alleged rights asserted by the Ure Chan Group over Elizabeth and Middleton Reefs.
 - (a) See answer to question 2.
 - (b) Not applicable.