

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

Sub Program 1.2.4

Question No. 49

Senator Abetz asked the following question at the hearing on 19 October 2009:

Could the Department comment on paragraph 25 of Mr Brett Walker SC's opinion that the sovereignty of Australia over the islands was basic, fundamental and critical for Australia's ECS case at the CLCS concerning the Lord Howe Rise region and that the CLCS recommendations do not establish that sovereignty?

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

Australian sovereignty over land areas, including islands, in and adjacent to the Lord Howe Rise Region is fundamental to establishing an extended continental shelf in that region. This is because the entitlement of a country to any maritime zone is dependent on sovereignty over an adjacent landmass with a coastline. In this respect, it is relevant to note paragraph 58 of the *Summary of Recommendations of the Commission on the Limits of the Continental Shelf (CLCS) in regard to the Submission made by Australia on 15 November 2004*:

The Lord Howe Rise Region is a complex morphological feature forming a submarine prolongation of the Lord Howe Island and the Norfolk Island.

The CLCS has no role in establishing Australian sovereignty over any area.