

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

Sub Program 1.2.4

Question No. 68

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

In questions relating to Australia's claim to an extended EEZ, I raised some concerns expressed in an opinion by Brett Walker SC concerning risks to Australia's claim. I also referred to similar concerns expressed by an international expert, John Norton Moore, and Mr Henry Burmester QC. I now understand that there was a further opinion from Professor James Crawford dated 30 April 2005, which shared those views. I am advised that the Crawford opinion was made available to the Commonwealth on 23 June 2005. In any case, I attach a copy of it. Given the views expressed by these eminent legal minds, would it not be prudent of the Department to make an assessment of the risks to its position and take appropriate action rather than place in jeopardy the significant resource emanating from an extended EEZ and ECS?

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

The Commonwealth has considered a number of legal opinions put forward on behalf of the Ure-Chan Group. The Commonwealth remains of the view that the Ure-Chan Group has no right or title to Elizabeth and Middleton Reefs under either Australian law or international law. The Commonwealth position does not place in jeopardy the resources of the exclusive economic zone or continental shelf.