

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

**Output 1.4**

**Question No. 60**

**Senator Abetz asked the following question at the hearing on 20 October 2008:**

Mr Bill Campbell QC of the Attorney-General's Department helpfully answered some questions on 20 October 2008 concerning Australia's claim in the UN jurisdiction for an enlarged Exclusive Economic Zone (EEZ). Mr Campbell was asked whether Australia's case depended on any argument about the status of Elizabeth and Middleton islands/Reef and he stated quite clearly that it does not. Accordingly, could the Department provide information on what other basis it made a claim for an additional area of EEZ. In particular, could the Department indicate how Australia was able to establish that the additional area constitutes the 'natural prolongation' of Australia's continental shelf?

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

Australia's submission to the Commission on the Limits of the Continental Shelf (CLCS) sought confirmation of Australia's entitlement to a number of areas of extended continental shelf – that is, continental shelf beyond 200 nautical miles from Australia's territorial sea baselines. In order to establish Australia's entitlement, it was necessary to demonstrate to the CLCS that those areas fell within the criteria established by Article 76 of the 1982 United Nations Convention on the Law of the Sea.

Australia's entitlement to an area of extended continental shelf in the Lord Howe Rise region is based primarily on morphological considerations such as the location of the foot of the continental slope. On that basis, it was accepted by the CLCS that the submerged features of the Lord Howe Rise region are the prolongations of the Australian islands in the region, and in particular, the largest inhabited islands, Lord Howe Island and Norfolk Island. The CLCS stated in paragraph 58 of its Summary of the Recommendations for Australia:

The Lord Howe Rise Region is a complex morphological feature forming a submarine prolongation of the Lord Howe Island and the Norfolk Island. The outer edge of the continental margin as generated from the foot of continental slope of the Lord Howe Rise Region by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish a continental shelf beyond its 200 M limits.