

Proclamation to establish Australia's territorial sea, 13 November 1990

The Permanent Mission of Australia to the United Nations presents its compliments to the Secretary-General of the United Nations and wishes to advise that, on 20 November 1990, Australia's territorial sea was extended, by Proclamation, from 3 nautical miles to 12 nautical miles. This action was taken in terms consistent with article 3 of the 1982 United Nations Convention on the Law of the Sea.

Following is the text of a news release from the Minister for Foreign Affairs and Trade and the Attorney-General, issued today, 13 November 1990:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, and the Attorney-General, Michael Duffy, announced today that the Government had agreed to extend Australia's territorial sea from 3 nautical miles to 12 nautical miles.

The Ministers said that the right to a 12 nautical mile territorial sea was well established internationally and significant advantages would flow to Australia from extending Australia's sovereignty over its water, seabed and airspace out to 12 nautical miles.

"It will allow us more effectively to control Australia's marine environment and its living and non-living resources. The ability to enforce oil and other marine pollution measures, as well as regulated navigation, in our extended 12 nautical mile territorial sea, will be another safeguard in protecting such valuable areas as the Great Barrier Reef", the Ministers said.

It will also provide Australia with considerable defence, customs and quarantine advantages as we will now be able to exercise our sovereignty, consistent with international law, out to 12 nautical miles.

The Ministers also said that the 1979 offshore constitutional settlement with the state governments would not be affected by the decision. It was agreed at that time that these arrangements were to apply only to the 3 nautical mile territorial sea, irrespective of whether Australia subsequently moved to a 12 nautical mile territorial sea.

"A proclamation extending Australia's territorial sea to 12 nautical miles will be issued under the Seas and Submerged Lands Act, with effect from 20 November 1990", the Ministers said.