EMBARGO: 4:00 pm

PRIME MINISTER

FOR MEDIA SUNDAY, 27 APRIL, 1980

ELECTORATE TALK

Since the end of World War II, the International Law of the Sea has seen great developments. The developments continue. The Third United Nations Conference on the Law of the Sea has just completed its ninth session. A further session is scheduled later this year.

It is important that Australia effectively participate in these developments, nationally as well as internationally.

Technological advances have given access to great areas of the seas and the seabed beneath. The demand for sea and seabed resources - for oil, and the protein that fish provides - has increased sharply.

The protection of the marine environment has been seen to be increasingly important.

In 1953 Australia declared its sovereign rights over its continental shelf, the undersea extension of its land mass stretching out to the deep ocean floor.

In November last year, the Australian Government decided in the context of emerging international law, to declare a 200 nautical mile fishing zone around our coast. All fishing activities in these waters must now be licenced by Australia law.

However, the national debate on how to administer the offshore area - both the three mile territorial sea and beyond that area - has been drawn out and at times stormy. Arrangements with the States enabled our offshore oil industry to get under way. A basic issue remained. Whether the Commonwealth had, and should exercise, powers of complete control of the offshore area, right into low water mark, even to the point of every wharf and jetty that juts into the sea 'round Australia.

In 1973, the Labor Government had legislation passed declaring not only the sovereign rights of the Commonwealth over the continental shelf, but also Commonwealth sovereignty over the territorial sea, where State Governments had long exercised rights and responsibilities.

In 1975, the High Court upheld this Act against constitutional challenge.

The question which faced my Government was - how to establish workable arrangements that would ensure effective and harmonious administration of the offshore area, and a fair sharing of the nation's offshore resources.

.../2

When the Labor Government introduced the 1973 legislation its intention was to deny revenue from these resources to the States.

The Commonwealth could have ended up owning every jetty and quay in the country as part of a grab for these offshore resources.

Instead, my Government chose to explore with the States and with the Northern Territory the question of conferring on them a proper role and appropriate rights over the offshore resources. This issue was raised in discussions with the Premiers some three years ago.

Federal/State consultative bodies were used fully: the Australian Minerals and Energy Council, the Australian Fisheries Council, the Marine and Ports Council of Australia, the Australian Environment Council and the Council of Nature Conservation Ministers. The Standing Committee of Attorneys-General drew up legal ways and means of implementing the proposed arrangements.

Four days ago I was most pleased to introduce into the Parliament the Coastal Waters (State Powers) Bill as the first item in a legislative package to which all State Governments have agreed.

This legislation embodies a practical solution to an issue that has bedevilled State/Federal relationships for more than a decade. The package which is now going through the Parliament is the result of frankness, goodwill and great effort by Commonwealth and State Ministers and officials over a long period. It is in accordance with the Government policy of co-operative Federalism.

When this legislation is in force, joint Commonwealth-State authorities will be established for offshore petroleum mining on the continental shelf and for fishing to the outer edge of the 200 mile fishing zone.

We have given the States a role where constitutionally they could have been completely excluded.

General responsibility for the territorial sea will revert to the States, but mining royalties are to be shared, both outside and inside the territorial sea. The Commonwealth will have increased control over offshore oil fields outside the territorial sea.

The Commonwealth will remain fully able to discharge its international and national responsibilities over all the offshore area. Its subsisting sovereignty will continue to exist.

The Great Barrier Reef Marine Park Act 1957 will continue to be applicable to the whole reef region.

I would like to register my regret at the attitude taken in the Parliament by the Opposition Spokesman for Minerals and Energy, Mr. Paul Keating, who has attacked both the legislation and the State Governments which have agreed to it and which support it.

.../3

Although two of these Governments, in his own State of New South Wales and in Tasmania are ALP Governments, Mr. Keating declared "shame on them" while I was introducing the Coastal Waters legislation.

It was a "great sell out" he said. Subsequently he accused these two Labor States of breaking ALP policy, saying that this reflected no credit on them.

I can only re-state that the Commonwealth will continue to follow its policy of restraint and responsibility in its negotiations with the States.

There is no substitute for consultation, co-operation, discussion and negotiation. Nor should there be.

The Federal system has served Australia well for 80 years providing the nation with local government for local issues, State Government for State issues, and national government to deal with national issues and international issues.

---000---