

No. 9460

---

**AUSTRALIA**  
**and**  
**UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement relating to the establishment by the Government of the United States of America of facilities on the Territory of Norfolk Island for the purposes of studying ionospheric propagation in relation to long-range radio paths. Canberra, 13 January 1969**

*Authentic text: English.*

*Registered by Australia on 6 March 1969.*

---

**AUSTRALIE**  
**et**  
**ÉTATS-UNIS D'AMÉRIQUE**

**Échange de notes constituant un accord relatif à l'établissement, sur le territoire de l'île Norfolk, par les soins du Gouvernement des États-Unis d'Amérique, d'installations destinées à l'étude de la propagation ionosphérique dans ses rapports avec les trajets radio-électriques à longue portée. Canberra, 13 janvier 1969**

*Texte authentique: anglais.*

*Enregistré par l'Australie le 6 mars 1969.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE GOVERNMENT OF THE COMMON-  
WEALTH OF AUSTRALIA AND THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA RELATING TO  
THE ESTABLISHMENT BY THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA OF FACILITIES  
ON THE TERRITORY OF NORFOLK ISLAND FOR THE  
PURPOSES OF STUDYING IONOSPHERIC PROPAGA-  
TION IN RELATION TO LONG-RANGE RADIO PATHS

---

I

694/7/57

The Department of External Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to discussions concerning the establishment by the Government of the United States of America of facilities on the Territory of Norfolk Island for the purpose of studying ionospheric propagation in relation to long-range radio paths.

It is proposed that the following provisions shall apply in relation to the establishment of the facility and the carrying out of the study.

(1) The Government of the United States of America may establish and operate at a site to be made available on the Territory of Norfolk Island (referred to as "Norfolk Island") a receiving station for the purpose of studying ionospheric propagation in relation to long range radio paths.

(2) All costs of installation, operation and maintenance of the facility required in connection with the study, together with restoration of the site at completion of the study, will be met by the Government of the United States of America.

(3) (a) The Government of the Commonwealth of Australia shall take the necessary steps to facilitate the admission into Norfolk Island of such United States personnel as may be assigned to visit or participate in this study.

(b) The effects for personal and household use of United States personnel entering Norfolk Island for the purpose of carrying out the study shall be permitted free entry in accordance with customs laws in effect on Norfolk Island at the date the goods are imported.

(4) (a) Subject to paragraph 4 (d), the Government of the Commonwealth of Australia will take the necessary steps to facilitate the admission into Norfolk Island of

---

<sup>1</sup> Came into force on 13 January 1969 by the exchange of the said notes.

goods provided by or on behalf of the Government of the United States of America for use in connection with the facility free of duties and taxes.

(b) Goods imported by contractors or sub-contractors for use in connection with the facility shall not be disposed of on Norfolk Island except under conditions acceptable to the Government of the Commonwealth of Australia.

(c) The Government of the Commonwealth of Australia shall take the necessary steps to facilitate the removal free from export duties and related charges from Norfolk Island of all goods that, at the time of exportation, are owned by the Government of the United States of America or one of its contractors and have been provided for use in connection with the facility.

(d) Nothing in this Agreement shall prevent the application of any law of the Commonwealth of Australia or of Norfolk Island relating to quarantine, or prohibiting or restricting the importation into, or the exportation from Norfolk Island of any animals, plants or goods.

(5) Detailed arrangements relating to the project may be made by co-operating agencies of the two Governments. On the part of the Government of the United States of America, the co-operating agency will be the United States Air Force. On the part of the Government of the Commonwealth of Australia, the co-operating agency will be the Department of Supply.

(6) The co-operating agencies will maintain close contact with the Administration of Norfolk Island in order to ensure that the construction and operation of the facility are not inconsistent with Administration policies and responsibilities.

(7) Data collected as a result of the project will be made available to the Government of the Commonwealth of Australia.

(8) Australian personnel shall be permitted to have access to and to staff the facility involved in the study under conditions to be agreed between the co-operating agencies of the two Governments.

(9) (a) Subject to the prior approval of the co-operating agencies as to the assured parties and the amount of cover, United States contractors and sub-contractors shall take out adequate public risk insurance.

(b) It is agreed that the study is an agreed activity under the Agreement<sup>1</sup> dated the ninth day of May, one thousand nine hundred and sixty three between Australia and the United States of America concerning the Status of United States Forces in Australia.

(10) The foregoing provisions relating to the establishment of the facility and the carrying out of the study shall remain in effect for six months from the date of the availability of the facility site. The termination of this Agreement shall not affect any right, obligation or legal situation of the parties created through the execution of this Agreement prior to its termination.

If the foregoing provisions are acceptable to the Embassy of the United States of America, the Department of External Affairs has the honour to propose

<sup>1</sup> United Nations, *Treaty Series*, vol. 475, p. 332.

that the present note and the Embassy's confirmatory reply constitute an Agreement on the matter between the Government of the Commonwealth of Australia and the Government of the United States of America.

Canberra, 13th January, 1969

## II

Note No. 1

The Embassy of the United States of America presents its compliments to the Department of External Affairs and has the honor to acknowledge the Department's Note of January 13, 1969, reading as follows :

[*See note I*]

The Embassy of the United States has the honor to confirm that the Government of the United States of America concurs in the provisions proposed in the Department's Note and agrees that the Department's Note and the present reply shall constitute an agreement between the Government of the United States of America and the Government of the Commonwealth of Australia.

Embassy of the United States of America

Canberra, January 13, 1969