

No. 10174

**AUSTRALIA
and
JAPAN**

**Agreement on fisheries (with agreed minutes). Signed at
Canberra on 27 November 1968**

Authentic texts of the Agreement: English and Japanese.

Authentic text of the agreed minutes: English

Registered by Australia on 12 January 1970.

**AUSTRALIE
et
JAPON**

**Accord relatif aux pêcheries (avec procès-verbaux
approuvés). Signé à Canberra le 27 novembre 1968**

Textes authentiques de l'Accord: anglais et japonais.

Texte authentique du procès-verbal approuvé: anglais

Enregistré par l'Australie le 12 janvier 1970.

AGREEMENT ON FISHERIES¹ BETWEEN THE COMMONWEALTH OF AUSTRALIA AND JAPAN

The Government of the Commonwealth of Australia and the Government of Japan,

Desiring to conclude an agreement concerning fishing by Japanese vessels in waters contiguous to the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea,

Have agreed as follows:

Article I

1. Except as provided in paragraph 2 of this Article, Japanese vessels will not engage in fishing in the waters which are contiguous to the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea and extend to a limit of twelve nautical miles from the baselines from which those territorial seas are measured.

2. For the periods described hereunder Japanese vessels may engage in tuna long-line fishing in accordance with the provisions of this Agreement in those parts of the waters described in paragraph 1 of this Article that are within the areas designated hereunder:

A. Until the twenty-seventh day of November, 1975 —

(i) *in the Tasman Sea:*

- (a) the area to the south, south-east and east of the island of Tasmania bounded on the west by 146° East Longitude and on the north by 41° South Latitude (Adm. 1079);
the area bounded on the west by 148°20' East Longitude, on the south by 41° South Latitude and on the north by 40°29'30" South Latitude (Adm. 1079);
the area to the east of Cape Barren Island, Vansittart Island and Flinders Island bounded on the south by 40°29'30" South Latitude and on the north by 39°46'30" South Latitude (Adm. 1695a);
the area bounded on the west by 148° East Longitude, on the south by 39°46'30" South Latitude and on the north by 39° South Latitude (Adm. 1695a);
- (b) the area bounded on the south by 37°34'24" South Latitude (Adm. 1017) and on the north by 33°50'06" South Latitude (Aus. 75);

¹ Came into force on 24 August 1969, the thirtieth day after the exchange of the instruments of ratification, which took place at Tokyo on 25 July 1969, in accordance with article IX.

- (c) the area off the coast of Lord Howe Island; and
 - (d) the area off the coast of the Territory of Norfolk Island;
 - (ii) *in the Coral Sea*:
 - (a) the area bounded on the south by 26° South Latitude and on the north by 25°47'30" South Latitude (Adm. 1068);
the area to the east of Great Sandy (Fraser) Island bounded on the south by 25°47'30" South Latitude and on the north by 24°42' South Latitude (Adm. 1068);
the area bounded on the west by 152°40' East Longitude, on the south by 24°42' South Latitude and on the north by 22°21'30" South Latitude (Adm. 346);
the area bounded on the west by the outer edge of the Great Barrier Reef, on the south by 22°21'30" South Latitude and on the north by 12° South Latitude (Adm. 2764); and
 - (b) the area off the coast of the island known as Pocklington Reef; and
 - (iii) *in the Indian Ocean*:
 - (a) the area bounded on the south by 25° South Latitude (Adm. 518) and on the north by 21° South Latitude (Adm. 1055);
 - (b) the area off the coast of the Territory of Cocos (Keeling) Islands; and
 - (c) the area off the coast of the Territory of Christmas Island.
- B. Until the twenty-seventh day of November, 1971 or such later date as may be agreed in consultation between the two Governments — the area off the coasts of the Territory of Papua and the Trust Territory of New Guinea, with the exception of
- (a) the area off the south coast of the Territory of Papua bounded on the east by 145° East Longitude; and
 - (b) the area off the south coast of the Territory of Papua that is bounded on the west by 145° East Longitude and on the east by 151° East Longitude, is contiguous to the territorial sea of the Territory of Papua and extends to a limit of six nautical miles from the baseline from which that territorial sea is measured.

The parts of the waters described in paragraph 1 of this Article that are within the areas designated in sub-paragraphs A and B of this paragraph are hereinafter referred to as "the Designated Waters".

Article II

1. The Japanese authorities will provide the Australian authorities with the names, the registration numbers, the names of the managers and the numbers of the fishing crews of any Japanese vessels that are likely to engage in tuna long-line fishing in the Designated Waters.

2. The information referred to in paragraph 1 of this Article will be provided at least fourteen days before the day on which it is anticipated that any vessel in relation to which the information is provided will first commence fishing in the Designated Waters in any calendar year, and the information thus provided will relate to that calendar year, except that information provided during December in any year will also relate to the following calendar year.

Article III

1. On receipt of the information referred to in paragraph 1 of Article II of this Agreement in respect of any Japanese vessels, the Government of the Commonwealth of Australia will make necessary administrative arrangements to facilitate the operation of those vessels in the Designated Waters in accordance with the provisions of this Agreement.

2. The vessels referred to in paragraph 1 of this Article will make reasonable payments in relation to the administrative arrangements mentioned in that paragraph.

Article IV

1. The annual level of Japanese tuna long-line operations under this Agreement will not be increased beyond the average annual level of the calendar years 1963 to 1967.

2. The Japanese authorities will provide the Australian authorities not later than the thirtieth day of June in each year with information relating to the total weight of fish taken during each quarter of the preceding calendar year, and with information relating to the weight of each species of tuna taken during the preceding calendar year, by the Japanese vessels from the Designated Waters.

Article V

1. The Japanese authorities will take appropriate measures to ensure that the provisions of this Agreement are observed.

2. The Australian authorities may board Japanese vessels in the waters described in paragraph 1 of Article I of this Agreement, to ascertain that the provisions of the Agreement are being observed.

Article VI

1. Japanese vessels equipped for tuna long-line fishing may, until the twenty-seventh day of November, 1975, enter the Australian ports of Brisbane, Fremantle, Hobart and Sydney for the purpose of securing supplies.

2. Not later than the twenty-seventh day of May, 1975, the two Governments will consult with respect to the continued access after the twenty-

seventh day of November, 1975, to Australian ports of Japanese vessels equipped for tuna long-line fishing.

Article VII

Upon the request of either Government, the two Governments will hold consultations regarding the operation of this Agreement.

Article VIII

Nothing in this Agreement shall be deemed to prejudice the position of either Government in regard to the jurisdiction of a coastal state over fisheries.

Article IX

This Agreement shall be subject to ratification. The instruments of ratification shall be exchanged at Tokyo as soon as possible. The Agreement shall enter into force on the thirtieth day after the date of exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Canberra in the English and Japanese languages, both texts being equally authentic, this twenty-seventh day of November 1968.

For the Government of the Commonwealth of Australia:

Paul HASLUCK

For the Government of Japan:

Fumihiko KAI

AGREED MINUTES

In connection with the Agreement on Fisheries between the Commonwealth of Australia and Japan signed today, the representatives of the Government of the Commonwealth of Australia and the Government of Japan have agreed to record the following:

1. It is understood that for the purposes of the Agreement the term "Australia" in the expression "the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea" also refers to the Territory of Norfolk Island, the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island, the Territory of Ashmore and Cartier Islands,

the islands in the Coral Sea within the area bounded on the north by 12° South Latitude, on the east by 157°10' East Longitude, on the south by 26° South Latitude and on the west by the outer edge of the Great Barrier Reef, and the island known as Pocklington Reef.

2. It is understood that for the purposes of the Agreement the term "Japanese vessels" means vessels that are registered in Japan but does not include vessels chartered for operations based in Australia, in the Territory of Papua, in the Trust Territory of New Guinea or in any of the islands mentioned in paragraph 1 of these Agreed Minutes.

3. It is recognized that it might not be possible fully to prevent parts of long-lines from drifting and thereby taking fish in a manner inconsistent with the provisions of the Agreement. These cases, when verified, will not be regarded as infringements of the Agreement.

4. It is understood that the amount of the payment referred to in paragraph 2 of Article III of the Agreement will in no case exceed an equivalent of one hundred Australian dollars (\$ A100) per vessel for any calendar year.

Canberra, 27th November 1968

For the Government of the Commonwealth of Australia :

Paul HASLUCK

For the Government of Japan :

Fumihiko KAI

AGREED MINUTES RELATING TO THE TERRITORY OF PAPUA AND THE TRUST TERRITORY OF NEW GUINEA

In connection with the Agreement on Fisheries between the Commonwealth of Australia and Japan signed today, the representatives of the Government of the Commonwealth of Australia and the Government of Japan have held consultations concerning joint venture fishing enterprises in the Territory of Papua and the Trust Territory of New Guinea and have agreed to record the following :

1. (a) The Government of Japan intends to make every effort to see that joint venture fishing enterprises are established in the Territory of Papua and the Trust Territory of New Guinea.

(b) The Government of the Commonwealth of Australia will consider promptly and sympathetically all proposals submitted to it by Japanese interests for the establishment of such enterprises.

2. The consultations referred to in sub-paragraph B of paragraph 2 of Article I of the Agreement will be held not later than the twenty-seventh day of November, 1970, and will be conducted in the light of progress made by that time in establishing joint venture fishing enterprises.

3. The object of the enterprises referred to in paragraph 1 of these Agreed Minutes will be to fish principally for species other than crustaceans and molluscs.

4. The Australian representatives stated that the broad guide-line of the policy of their Government is as follows:

Joint venture fishing enterprises are fishing enterprises —

- (a) the ownership of which is shared by Japanese interests and by residents either of one of the Territories or of Australia;
- (b) which make a significant contribution to the development of a fishing industry in the Territory of Papua and the Trust Territory of New Guinea;
- (c) which contribute substantially to the economic development of those Territories; and
- (d) which provide substantial employment and technical training for the local residents and, where possible, actively involve the indigenous residents at all levels.

The Japanese representative took note of this Australian statement.

5. Entry into Rabaul by Japanese vessels equipped for tuna long-line fishing could be considered by the Government of the Commonwealth of Australia under special arrangements.

Canberra, 27th November 1968

For the Government of the Commonwealth of Australia:

Paul HASLUCK

For the Government of Japan:

Fumihiko KAI