

No. 13963

**UNITED STATES OF AMERICA
and
AUSTRALIA**

**Exchange of notes constituting an agreement relating to a
space research program. Canberra, 23 August 1974**

Authentic text: English.

Registered by the United States of America on 7 May 1975.

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

**Échange de notes constituant un accord relatif à un
programme de recherches spatiales. Canberra, 23 août
1974**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 7 mai 1975.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA RELATING TO A SPACE RESEARCH PROGRAM

I

The American Embassy to the Australian Department of Foreign Affairs

Note No. 121

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and has the honor to refer to recent discussions between representatives of our two Governments concerning cooperative scientific programs proposed by the United States Defense Advanced Research Projects Agency (ARPA) and the Australian Department of Defence. These agencies are presently considering a project designated *Hi Star South*, which involves the launching at the Woomera Range of Aerobee sounding rockets supplied by ARPA to measure natural radiation of the Celestial sphere at infrared wave lengths. Other research projects have been carried out by ARPA in the past in cooperation with Australian agencies and additional cooperative projects may be proposed in the future from time to time.

In accordance with those discussions, it is proposed that the two Governments cooperate in a program for the launching from Woomera during 1974 of up to three Aerobee sounding rockets. It is proposed that within that number of launchings the specific number, character, and schedule of scientific experiments to be performed as part of the program, the allocation of technical and operational responsibilities with respect to each experiment, and arrangements for financing the program and for the provision of facilities for launching, tracking, and telemetering of information from the rockets, and of the services associated therewith, be agreed upon by ARPA, on behalf of the Government of the United States of America, and by the Department of Defence, on behalf of the Australian Government.

It is further proposed that

(A) Members of the United States Forces and its employees present in Australia for the purposes of the project shall be deemed to be in Australia for the purpose of the Agreement between the two Governments signed at Canberra on 9 May, 1963² concerning the status of United States Forces except that the property of either Government shall be deemed not to be Government property for the purposes of article 12 of that Agreement.

(B) The following provisions shall apply to those contractors and sub-contractors of the United States Government and their employees as may be required in Australia for the purposes of the project:

(1) Except as may be otherwise agreed between the two Governments, the United States Government and its contractors and sub-contractors shall retain title to equipment, materials, supplies and other property brought into or acquired in Australia by them or on their behalf for the project. Consistently with this

¹ Came into force on 23 August 1974, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 469, p. 55.

Agreement, the United States Government and its contractors and sub-contractors may remove such property at any time from Australia at their own expense and free from export duties and related charges.

- (2) The Australian Government shall, in accordance with its laws, regulations and procedures, facilitate the admission into and exit from Australia of contractors and sub-contractors of the United States Government and their employees as may be required in Australia for the purposes of this Agreement, and dependents of these categories of persons.
- (3) (a) The Australian Government shall take the necessary steps to facilitate the admission into Australia of all equipment, materials, supplies and other property provided by or on behalf of the United States Government in connection with the project. No duties, taxes or like charges shall be levied on such property which is certified by the United States Government to be imported for use in the project and which it is certified at the time of entry is or is intended to be the property of the United States Government.
- (b) Exemption from sales tax will be allowed by the Australian Government in respect of equipment, materials, supplies and other property purchased in Australia which the United States Government certifies are for use in the project and not for resale, provided that such property is intended to be the property of the United States Government prior to use in Australia.

The Embassy proposes that if the foregoing proposals are acceptable to the Australian Government this note and the Department's reply to that effect shall together constitute and evidence an Agreement between the two Governments, which shall enter into force on the date of the Department's reply.

Embassy of the United States of America

Canberra, August 23, 1974.

II

The Australian Department of Foreign Affairs to the American Embassy

The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's note of today's date which reads as follows:

[See note I]

The Department has the honour to confirm that the Embassy's proposal is acceptable to the Government of Australia and that the Embassy's note and the Department's reply shall constitute an Agreement between the Government of Australia and the Government of the United States of America on this matter.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Canberra, August 23, 1974.