

No. 17404

**UNITED STATES OF AMERICA
and
AUSTRALIA**

Exchange of notes constituting an agreement concerning the establishment of an OMEGA Navigation Facility (with annex). Canberra, 8 June and 20 September 1977

Authentic text: English.

Registered by the United States of America on 14 December 1978.

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

Échange de notes constituant un accord concernant l'installation d'une station de navigation OMEGA (avec annexe). Canberra, 8 juin et 20 septembre 1977

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 14 décembre 1978.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA CONCERNING THE ESTABLISHMENT OF AN OMEGA NAVIGATION FACILITY

I

The American Ambassador to the Australian Acting Minister for Foreign Affairs

Canberra, June 8, 1977

No. 58

My Dear Minister:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of Australia concerning the establishment in southeastern Australia of an OMEGA Navigation Facility capable of being used by any suitably equipped ship or aircraft.

In the light of these discussions I have the honor to propose that an OMEGA Navigation Facility be established, operated and maintained by the Australian Government as an Australian facility for the purpose of improving the navigational efficiency of mariners and aviators of all nations, and that, to this end, an agreement between our two governments be concluded in the following terms:

1. In this Agreement:

“Co-operating agencies” means the Australian Department of Transport and the OMEGA Project Office of the United States Government.

“Facility” means the OMEGA facility to be established in Australia under the operational control of the Australian Government pursuant to this Agreement.

2. Subject to this Agreement the Australian Government shall design, construct, equip and commission in accordance with design and other technical standards agreed by the co-operating agencies, an OMEGA Navigation Facility at a site in southeastern Australia to be agreed upon by the two governments.

3. The two governments shall exercise all reasonable endeavors to complete the facility as soon as practicable after the date of entry into force of this Agreement.

4. The United States Government shall make available without cost to the Australian Government, the equipment, materials and services listed in the annex to this Agreement and shall bear the costs of designing, constructing, equipping, commissioning and otherwise establishing the facility except that the costs of providing necessary staff quarters and land for the facility shall be borne by the Australian Government. The costs to be borne by the United States Government shall be paid to the Australian Government by periodic payments in such manner and at such times as may be agreed by the co-operating agencies.

5. The Australian Government shall be solely responsible for operating, managing, maintaining, and staffing the facility and shall bear the cost thereof.

6. On the completion of the facility, the Australian Government shall make arrangements for beginning the regular transmission of signals by the facility as a part of the worldwide

¹ Came into force on 20 September 1977, the date of the note in reply, in accordance with the provisions of the said notes.

OMEGA system. The Australian and United States Governments shall use their best endeavors to ensure the continuous operation of their respective facilities in phase with the worldwide OMEGA system and agree to consult urgently if an emergency situation should require operations to be ceased temporarily at a facility under their control.

7. OMEGA signals from the facility shall be used only for navigation, for search and rescue operations, for time dissemination and for other purposes as agreed by both governments, but not for communication other than that necessary to ensure the integrated operation of the facility as part of the worldwide OMEGA system.

8. To the extent that the carrying out by either government of any requirements in this Agreement may depend on funds to be appropriated to that government or to the other government, those requirements will be subject to the availability of those funds.

9. The equipment, parts, materials and supplies which the co-operating agencies agree are equipment, parts, materials and supplies imported into Australia by the United States Government for the purposes of this Agreement shall be exempt from Australian customs duties and taxes.

10. Whenever the co-operating agencies agree that the whole or any part of the equipment and materials listed in the annex to this Agreement are no longer required for the purposes of this Agreement, such whole or part and such other equipment and materials as the co-operating agencies agree should also be returned to the United States Government shall be returned to the United States Government for conveyance from Australia or, upon conditions agreed by the two governments, for disposal in Australia.

11. At all stages in the establishment, operation and maintenance of the facility the maximum practicable use shall be made of Australian components and resources. In particular, the antenna and its tower shall be the subject of special consultation between the co-operating agencies with the object of maximizing the Australian content.

12. Whenever requested by, and without charge to, the Australian Government, the United States Government shall provide necessary training for the purposes of this Agreement in the operation of the electronics equipment made available by the United States Government, for such persons as may be nominated by the Australian Government, which shall pay the salaries, transportation, accommodation and living expenses of such persons.

13. The Australian Government, as operator of the facility, will co-operate with other countries operating OMEGA facilities and will use its best endeavors, as will the United States Government, to establish an appropriate international régime for the co-ordinated operation of the OMEGA system.

14. The co-operating agencies of the two governments may make additional arrangements for the effective implementation of this Agreement.

I have the honor to propose that, if the foregoing is acceptable to the Australian Government, my Note and your reply to that effect shall together constitute an Agreement between our two governments which shall enter into force on the date of your reply and which shall remain in force until 180 days after either government gives to the other notice of its intention to terminate the Agreement.

PHILIP H. ALSTON Jr.

The Right Honourable Ian McCahon Sinclair, M.P.
Acting Minister for Foreign Affairs
Canberra, Australia

ANNEX TO THE AGREEMENT ON THE ESTABLISHMENT OF AN OMEGA NAVIGATION FACILITY IN AUSTRALIA — EQUIPMENT, MATERIALS AND SERVICES TO BE MADE AVAILABLE BY THE UNITED STATES GOVERNMENT IN ACCORDANCE WITH CLAUSE 4 OF THE AGREEMENT

- (A) All electronic equipment necessary to transmit OMEGA Navigation Signals in phase with the worldwide OMEGA system;
- (B) All tuning equipment, including helix, variometers and associated components, together with the helix-antenna bushing;
- (C) The OMEGA monitoring equipment for the facility's monitor station;
- (D) Normal initial spares for the equipment made available in accordance with this annex;
- (E) Lists of standard test equipment needed, together with all special test sets needed for the operation and maintenance of the facility;
- (F) Five (5) sets of all applicable technical documents including detailed and complete circuit diagrams of all equipment to be installed at the transmitting and monitoring stations at the time of delivery of the equipment;
- (G) Construction drawings and specifications of the Liberia OMEGA transmitter and monitoring station facilities;
- (H) Delivery of the foregoing equipment and materials to an Australian port of entry to be agreed upon by the co-operating agencies; and
- (I) All other technical assistance as may be agreed between the co-operating agencies to be necessary for the establishment and construction of the facility.

II

The Australian Minister for Transport to the American Ambassador

MINISTER FOR TRANSPORT

20 September 1977

Sir,

I have the honour to acknowledge receipt of your Note of 8 June 1977 concerning the proposed Agreement to establish an OMEGA Navigation Facility in Australia. That Note reads as follows:

[See note I]

I have the honour to inform you that the foregoing proposal is acceptable to the Australian Government, which agrees that your Note and this reply shall together constitute an agreement between our two Governments, which shall enter into force on today's date.

Accept, Sir, the assurances of my highest consideration.

[Signed]

P. J. NIXON

[Annex as under note I]