

No. 19627

**AUSTRALIA
and
JAPAN**

Subsidiary Agreement concerning Japanese tuna long-line fishing (with appendix). Signed at Canberra on 30 October 1980

Authentic text: English.

Registered by Australia on 11 March 1981.

**AUSTRALIE
et
JAPON**

Accord subsidiaire concernant la pêche de thonidés par lignes de fond par des navires de pêche japonais (avec appendice). Signé à Canberra le 30 octobre 1980

Texte authentique : anglais.

Enregistré par l'Australie le 11 mars 1981.

SUBSIDIARY AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF JAPAN CONCERNING JAPANESE TUNA LONG-LINE FISHING

The Government of Australia and the Government of Japan,

Pursuant to the provisions of paragraph 2 of article II of the Agreement on fisheries between the Government of Australia and the Government of Japan, signed at Canberra on the seventeenth day of October 1979² (hereinafter referred to as “the Head Agreement”), and

Wishing to establish the detailed procedures for the conduct of tuna long-line fishing operations by fishing vessels of Japan (hereinafter referred to as “the vessels”) within the Australian fishing zone (hereinafter referred to as “the Zone”) and for the issuance of licences by the Government of Australia,

Have agreed as follows:

Article I. The Government of Australia shall, in accordance with the provisions of the Head Agreement, issue licences for the vessels, the number of which shall not exceed 350, subject to payment to the Government of Australia of a fee of one million eight hundred thousand Australian dollars for all the vessels to be licensed and for the period of validity of this Subsidiary Agreement.

Article II. The Government of Australia shall, by the licence issued for each of the vessels referred to in article I of this Subsidiary Agreement, permit that vessel to take within the Zone all species of tuna and bill-fish, together with all other species of finfish including oceanic sharks which are incidentally caught:

- (a) By the use of floating long-lines, except in the areas and at the times for each of those areas specified in the appendix to this Subsidiary Agreement, which forms an integral part hereof; and
- (b) By the use of hand-lines, in the area of the Coral Sea bounded to the north by the parallel of latitude 12° south, to the south by the parallel of latitude 22°21'30" south and to the west by the line described in paragraph A of the appendix to this Subsidiary Agreement.

Article III. The Government of Australia and the Government of Japan recognise that it might not be possible to prevent parts of long-lines from drifting into the areas and at the times for each of those areas specified in the appendix to this Subsidiary Agreement. Cases verified by the Government of Australia as cases in which the drifting of a part of a long-line into such areas cannot reasonably be avoided shall not be regarded as infringements of this Subsidiary Agreement.

Article IV. 1. The Government of Australia, subject to the relevant laws and regulations of Australia, undertakes to permit the vessels licensed under this Subsidiary Agreement to enter the ports of Brisbane, Sydney, Hobart, Fremantle and Albany.

2. The Government of Australia shall give due notice to the Government of Japan of the procedures relating to the entry of the vessels into those ports.

¹ Came into force on 1 November 1980, in accordance with article IX.

² See p. 3 of this volume.

Article V. 1. The Government of Australia shall permit the lodgement of bulk applications for licences in respect of persons intending to engage in fishing on board each of the vessels licensed under this Subsidiary Agreement and shall, in accordance with the relevant laws and regulations of Australia, issue licences in respect of those persons.

2. If an application for a licence for a person intending to engage in fishing on board any of the vessels licensed under this Subsidiary Agreement has been accepted by the competent Australian authorities, the Government of Australia shall not require that person to have in his possession, or to produce, the licence until due procedures have been completed for passing the licence to that person.

Article VI. 1. The Government of Australia shall determine, after consultation between the two Governments, the methods of and the terms and conditions with respect to:

- (a) Applying for and issuing licences in respect of the vessels and persons;
- (b) Preparing and reporting of catch and effort data in respect of the vessels; and
- (c) Communicating between the vessels and the competent Australian authorities.

2. The Government of Australia shall notify the Government of Japan of determinations under paragraph 1 of this article within a reasonable time.

Article VII. The Government of Japan shall, in accordance with the relevant laws and regulations of Japan, provide the Government of Australia with available current economic and marketing information relevant to the operations of the vessels within the Zone.

Article VIII. 1. The Government of Australia and the Government of Japan shall, in accordance with the provisions of article IX of the Head Agreement, consult in Canberra not later than three months before the expiry of this Subsidiary Agreement for the purposes of:

- (a) Reviewing the operations of the vessels under this Subsidiary Agreement including any problems identified by either Government; and
- (b) Discussing the terms and conditions under which a subsidiary agreement might be concluded for the following period of one year.

2. Upon request by either Government, consultations shall be undertaken at any time during the period of validity of this Subsidiary Agreement on any aspect of the implementation of this Subsidiary Agreement.

Article IX. This Subsidiary Agreement shall enter into force on the first day of November 1980 and shall remain in force for a period of one year.

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

DONE in duplicate at Canberra, this thirtieth day of October 1980, in the English language.

[Signed — Signé]¹

For the Government
of Australia

[Signed — Signé]²

For the Government
of Japan

¹ Signed by Peter Nixon — Signé par Peter Nixon.

² Signed by Mizuo Kuroda — Signé par Mizuo Kuroda.

APPENDIX

EXCEPTED AREAS AND TIMES

A. At all times, the area landward of the line:

- (1) Commencing at the point latitude 9°39'26" south, longitude 144°28' east;
- (2) Thence south to the point latitude 9°54' south, longitude 144°28' east;
- (3) Thence south-westerly to the point latitude 10°15' south, longitude 144°12' east;
- (4) Thence south-westerly to the point latitude 10°28' south, longitude 144°10' east;
- (5) Thence west along the parallel of latitude 10°28' south to its intersection with the outer edge of the Great Barrier Reef (Adm. 1039);
- (6) Thence southerly along the outer edge of the Great Barrier Reef to its intersection with the parallel of latitude 10°41' south (Adm. 1039);
- (7) Thence east to the point latitude 10°41' south, longitude 145° east;
- (8) Thence south to the point latitude 13° south, longitude 145° east;
- (9) Thence south-easterly to the point latitude 15° south, longitude 146° east;
- (10) Thence southerly to the point latitude 17°30' south, longitude 147° east;
- (11) Thence south-easterly to the point latitude 21° south, longitude 152°55' east;
- (12) Thence southerly to the point latitude 24°30' south, longitude 154° east;
- (13) Thence west along the parallel of latitude 24°30' south to its intersection with the 200-metre isobath (Aus. 4602);
- (14) Thence southerly along that isobath to its intersection with the parallel of latitude 32°45' south;
- (15) Thence west along the parallel of latitude 32°45' south to its intersection with the line every point on which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (16) Thence southerly along that line to its intersection with the parallel of latitude 34° south;
- (17) Thence east to the point latitude 34° south, longitude 152° east;
- (18) Thence south to the point latitude 37° south, longitude 152° east;
- (19) Thence southerly to the point latitude 39° south, longitude 151° east;
- (20) Thence south to the point latitude 40° south, longitude 151° east;
- (21) Thence west along the parallel of latitude 40° south to its intersection with the 200-metre isobath at the western approach to Bass Strait (Aus. 4601);
- (22) Thence north-westerly along that isobath to its intersection with the meridian of longitude 140° east (Aus. 4601, 4709);
- (23) Thence north along the meridian of longitude 140° east to its intersection with the line every point on which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (24) Thence north-westerly and westerly along that line to its first intersection with the line every point on which is 50 nautical miles seaward from the South Neptunes Lighthouse (Aus. 4709);
- (25) Thence westerly, north-westerly and northerly along that line to its intersection with the parallel of latitude 35° south;

- (26) Thence west along the parallel of latitude 35° south to its intersection with the line every point on which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured, east of Albany;
- (27) Thence westerly, northerly and north-easterly along that line to its intersection with the meridian of longitude 127° east;
- (28) Thence easterly to the point latitude 13°21' south, longitude 129°40' east;
- (29) Thence north to the point latitude 10°30' south, longitude 129°40' east;
- (30) Thence east to the point latitude 10°30' south, longitude 133°16' east;
- (31) Thence south to the point latitude 11° south, longitude 133°16' east;
- (32) Thence south-easterly to the point latitude 11°25' south, longitude 134°15' east;
- (33) Thence east to the point latitude 11°25' south, longitude 135°35' east;
- (34) Thence north-easterly to the point latitude 11°05' south, longitude 136°10' east;
- (35) Thence north-easterly to the point latitude 10°30' south, longitude 136°40' east;
- (36) Thence south-easterly to the point latitude 11° south, longitude 137°05' east;
- (37) Thence south to the point latitude 11°47' south, longitude 137°05' east;
- (38) Thence easterly to the point latitude 11°10' south, longitude 141° east;
- (39) Thence north to the point latitude 10°22'44" south, longitude 141° east;
- (40) Thence north-easterly to the point latitude 9°46' south, longitude 142° east;
- (41) Thence easterly to the point latitude 9°45'24" south, longitude 142°03'30" east;
- (42) Thence north to the point latitude 9°15'43" south, longitude 142°03'30" east;
- (43) Thence north-easterly to the point latitude 9°12'50" south, longitude 142°06'25" east;
- (44) Thence north-easterly to the point latitude 9°11'51" south, longitude 142°08'33" east;
- (45) Thence easterly to the point latitude 9°11'58" south, longitude 142°10'18" east;
- (46) Thence easterly to the point latitude 9°11'22" south, longitude 142°12'54" east;
- (47) Thence easterly to the point latitude 9°11'34" south, longitude 142°14'08" east;
- (48) Thence south-easterly to the point latitude 9°13'53" south, longitude 142°16'26" east;
- (49) Thence south-easterly to the point latitude 9°16'04" south, longitude 142°20'41" east;
- (50) Thence south-easterly to the point latitude 9°22'04" south, longitude 142°29'41" east;
- (51) Thence easterly to the point latitude 9°21'48" south, longitude 142°31'29" east;
- (52) Thence south-easterly to the point latitude 9°22'33" south, longitude 142°33'28" east;
- (53) Thence north-easterly to the point latitude 9°21'25" south, longitude 142°35'29" east;
- (54) Thence easterly to the point latitude 9°20'21" south, longitude 142°41'43" east;
- (55) Thence easterly to the point latitude 9°20'16" south, longitude 142°43'53" east;
- (56) Thence easterly to the point latitude 9°19'26" south, longitude 142°48'18" east, on the line every point on which is 3 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (57) Thence easterly, south-easterly and southerly along that line to the point latitude 9°23'40" south, longitude 142°51' east;
- (58) Thence south to the point latitude 9°40'30" south, longitude 142°51' east;
- (59) Thence easterly to the point latitude 9°40' south, longitude 143° east;
- (60) Thence north-easterly to the point latitude 9°33' south, longitude 143°05' east;

- (61) Thence east to the point latitude 9°33' south, longitude 143°20' east;
- (62) Thence north-easterly to the point latitude 9°24' south, longitude 143°30' east;
- (63) Thence easterly to the point latitude 9°22' south, longitude 143°48' east;
- (64) Thence easterly to the point latitude 9°30' south, longitude 144°15' east; and
- (65) Thence south-easterly to the point of commencement.

B. At all times, the area bounded by the line:

- (1) Commencing at the point latitude 18°43'16" south, longitude 149° east;
- (2) Thence north-westerly to the point latitude 17°30' south, longitude 147° east;
- (3) Thence northerly to the point latitude 15° south, longitude 146° east;
- (4) Thence north-westerly to the point latitude 13° south, longitude 145° east;
- (5) Thence north to the point latitude 12° south, longitude 145° east;
- (6) Thence south-easterly to the point latitude 14° south, longitude 147° east;
- (7) Thence south-easterly to the point latitude 17° south, longitude 149° east; and
- (8) Thence south to the point of commencement.

C. At all times, the areas, other than the excepted areas described in paragraph A and paragraph B of this appendix, within 12 nautical miles seaward of the baselines from which the breadth of the territorial sea is measured.

D. From 30 September to 31 March at 1600 hours GMT on each of those days (equivalent to midnight Australian Western Standard Time), the area bounded by the line:

- (1) Commencing, south of Australia, at the point on the meridian of longitude 120° east which is 200 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (2) Thence north to the point latitude 35° south, longitude 120° east;
- (3) Thence east to the point latitude 35° south, longitude 130° east;
- (4) Thence south along the meridian of longitude 130° east to its intersection with the line every point on which is 200 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured; and
- (5) Thence south-westerly along that line to the point of commencement.

E. From 30 June to 31 March at 1430 hours GMT on each of those days (equivalent to midnight Australian Central Standard Time), the area bounded by the line:

- (1) Commencing, south of Australia, at the point on the meridian of longitude 130°05' east which is 200 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (2) Thence north to the point latitude 35° south, longitude 130°05' east;
- (3) Thence east along the parallel of latitude 35° south to its intersection with the line every point on which is 50 nautical miles seaward from the South Neptunes Lighthouse (Aus. 4709);
- (4) Thence southerly, south-easterly and easterly along that line to its intersection with the line every point on which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (5) Thence easterly and south-easterly along that line to its intersection with the meridian of longitude 140° east;
- (6) Thence south along the meridian of longitude 140° east to its intersection with the line every point on which is 200 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured; and

(7) Thence north-westerly along that line to the point of commencement.

F. From 15 September to 31 March at 1400 hours GMT on each of those days (equivalent to midnight Australian Eastern Standard Time), the area bounded by the line:

- (1) Commencing at the point latitude 39° south, longitude 151° east;
- (2) Thence northerly to the point latitude 37° south, longitude 152° east;
- (3) Thence north to the point latitude 34° south, longitude 152° east;
- (4) Thence east along the parallel of latitude 34° south to its intersection with the line every point on which is 200 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (5) Thence southerly along that line to its intersection with the parallel of latitude 39° south; and
- (6) Thence west to the point of commencement.

G. From 31 August to 30 April at 1400 hours GMT on each of those days (equivalent to midnight Australian Eastern Standard Time), the area bounded by the line:

- (1) Commencing, east of Australia, at the intersection of the parallel of latitude 34° south with the line every point on which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
 - (2) Thence northerly along that line to its intersection with the parallel of latitude 32°45' south;
 - (3) Thence east along the parallel of latitude 32°45' south to its intersection with the 200-metre isobath (Aus. 4602);
 - (4) Thence southerly along that isobath to its intersection with the parallel of latitude 34° south (Aus. 4602); and
 - (5) Thence west to the point of commencement.
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