

**No. 24085**

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**AUSTRALIA  
and  
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement concerning the  
use of balloon launching facilities in Australia. Canberra,  
16 July and 18 October 1984**

*Authentic text: English.*

*Registered by Australia on 2 May 1986.*

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

**Échange de notes constituant un accord concernant l'utilisa-  
tion de facilités de lancement de ballons en Australie.  
Canberra, 16 juillet et 18 octobre 1984**

*Texte authentique : anglais.*

*Enregistré par l'Australie le 2 mai 1986.*

# EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE USE OF BALLOON LAUNCHING FACILITIES IN AUSTRALIA

## I

Note No. 105

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and has the honor to refer to the Exchange of Notes, dated 29 May 1980, constituting an Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities,<sup>2</sup> and amended by Exchange of Notes dated 21 July 1981.<sup>3</sup>

In accordance with the spirit of cooperation inherent in that Agreement, and with particular reference to paragraph 2(3), discussions have been held between representatives of both Governments looking toward use by the National Aeronautics and Space Administration (NASA) of the United States of America of balloon launching facilities located in Australia for flights within Australia of balloons for scientific purposes. Having regard to these discussions, the Embassy has the honor to propose that our two Governments confirm the Cooperating Agency Arrangement between the United States National Aeronautics and Space Administration and the Australian Department of Science and Technology for the launching of balloons in Australia and the use of facilities by NASA for such balloon flights signed at Canberra, Australia on July 9, 1984, and in Washington, D.C., on June 27, 1984.

The allocation of technical and operational responsibility with respect to launchings, the financial arrangements in relation to the programs, the provisions of facilities and services for balloon launching, tracking and telemetering of information from each balloon, the recording and sharing of information from each balloon and the publication of information concerning the program shall be mutually determined by the National Aeronautics and Space Administration, the cooperating agency of the Government of the United States of America, and the Department of Science and Technology, the cooperating agency of the Government of Australia, and set out in an implementing arrangement.

The Government of the United States of America shall ensure that the Government of Australia and other persons, who, as a result of activities conducted under this Agreement, suffer loss or damage, whether in the form of personal injury including death or loss or damage to property, receive the benefit of the most favourable scheme which shall be as determined in the implementing arrangement concluded by the cooperating agencies.

<sup>1</sup> Came into force on 18 October 1984, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1217, p. 237.

<sup>3</sup> *Ibid.*, vol. 1368, p. 317.

The provision of paragraphs 3 through 12 of the Agreement of 29 May 1980 between the two Governments shall apply *mutatis mutandis* with respect to activities conducted under this Agreement.

The Governments shall consult, upon the request of either Government, to determine the arrangements to apply to the launching of balloons by NASA from Australia when it is planned that the balloons will fly beyond Australia.

The Government of the United States of America has the honor to propose that if the foregoing is acceptable to the Government of Australia, this Note and the Department of Foreign Affairs' Note in reply shall together constitute and evidence an Agreement between our two Governments confirming the Arrangement between the United States National Aeronautics and Space Administration and the Australian Department of Science and Technology, which shall enter into force on the date of the Department of Foreign Affairs' reply.

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

Embassy of the United States of America

Canberra, July 16, 1984

## II

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 No. 105 of 16 July 1984, which reads as follows:

[See note I]

The Department has the honour to inform the Embassy that the foregoing is acceptable to the Government of Australia and to confirm that the Embassy's Note and this confirmatory Note in reply shall together constitute and evidence an Agreement on the matter between the Government of Australia and the Government of the United States of America which shall enter into force on today's date.

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.

Department of Foreign Affairs

Canberra, A.C.T., 18 October 1984