

No. 24677

AUSTRALIA
and
JAPAN

Subsidiary Agreement concerning Japanese tuna long-line fishing (with appendix, exchange of notes and record of discussion). Signed at Canberra on 30 October 1986

Authentic text: English.

Registered by Australia on 10 April 1987.

AUSTRALIE
et
JAPON

Accord subsidiaire concernant la pêche de thonidés par lignes de fond par des navires japonais (avec appendice, échange de notes et procès-verbal de discussions). Signé à Canberra le 30 octobre 1986

Texte authentique : anglais.

Enregistré par l'Australie le 10 avril 1987.

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 of 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 290, subject to payment to the Government of Australia of a fee of three million, one hundred and fifty 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 licences issued for the vessels referred to in Article I of this Subsidiary Agreement, permit those vessels 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 B 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 for a vessel to prevent parts of its long-line from drifting into an area of the Zone at the time when that vessel is not permitted to take fish in that area in accordance with the provisions of Article II of 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 an area 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, Albany and Port Hedland.

¹ Came into force on 1 November 1986, in accordance with article IX.

² United Nations, *Treaty Series*, vol. 1217, p. 3.

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.

Article V. 1. The Government of Australia shall, in accordance with the relevant laws and regulations of Australia, issue a licence to the master of any vessel licensed under this Subsidiary Agreement.

2. If an application for a licence for a master of any vessel 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 masters;
- (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, 1986 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 1986, in the English language.

For the Government
of Australia:

[Signed]

CHRIS HURFORD

For the Government
of Japan:

[Signed]

YOSHIZO KONISHI

APPENDIX

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

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

- (1) Commencing at the point of Latitude $9^{\circ}39'26''$ South, Longitude $144^{\circ}28'$ East; and
- (2) Running thence south along the meridian of Longitude $144^{\circ}28'$ East to its intersection by the parallel of Latitude $9^{\circ}54'$ South;
- (3) Thence south-westerly along the rhumb line to the point of Latitude $10^{\circ}15'$ South, Longitude $144^{\circ}12'$ East;
- (4) Thence south-westerly along the rhumb line to the point of Latitude $10^{\circ}28'$ South, Longitude $144^{\circ}10'$ East;
- (5) Thence west along the parallel of Latitude $10^{\circ}28'$ South to its intersection by the meridian of Longitude 144° East;
- (6) Thence south along that meridian to its intersection by the parallel of Latitude $10^{\circ}41'$ South;
- (7) Thence east along that parallel to its intersection by the meridian of Longitude 145° East;
- (8) Thence south along that meridian to its intersection by the parallel of Latitude 13° South;
- (9) Thence south-easterly along the rhumb line to the point of Latitude 15° South, Longitude 146° East;
- (10) Thence southerly along the rhumb line to the point of Latitude $17^{\circ}30'$ South, Longitude 147° East;
- (11) Thence south-easterly along the rhumb line to the point of Latitude 21° South, Longitude $152^{\circ}55'$ East;
- (12) Thence southerly along the rhumb line to the point of Latitude $24^{\circ}30'$ South, Longitude 154° East;
- (13) Thence west along the parallel of Latitude $24^{\circ}30'$ South to its intersection by the 200-metre isobath (Aus. 4602);
- (14) Thence generally southerly along that isobath to its intersection by the parallel of Latitude $25^{\circ}56'$ South;
- (15) Thence east along that parallel to its intersection by the meridian of Longitude 154° East;
- (16) Thence south along that meridian to its intersection by the parallel of Latitude $29^{\circ}10'$ South;
- (17) Thence southerly along the rhumb line to the point of Latitude 30° South, Longitude $153^{\circ}45'$ East;
- (18) Thence south-westerly along the rhumb line to the point of Latitude $30^{\circ}20'$ South, Longitude $153^{\circ}35'$ East;
- (19) Thence southerly along the rhumb line to the point of Latitude $30^{\circ}55'$ South, Longitude $153^{\circ}22'$ East;
- (20) Thence southerly along the rhumb line to the point of Latitude $31^{\circ}50'$ South, Longitude $153^{\circ}20'$ East;
- (21) Thence southerly along the rhumb line to the point of Latitude $32^{\circ}45'$ South, Longitude $153^{\circ}03'$ East;

- (22) Thence south-westerly along the rhumb line to the point of intersection of the parallel of Latitude 33°50' South by the 200-metre isobath (Aus. 4602);
- (23) Thence generally southerly along that isobath to its intersection by the parallel of Latitude 34° South;
- (24) Thence east along that parallel to its first intersection by the outer limit of the Zone;
- (25) Thence generally south-westerly along the outer limit of the Zone to its intersection by the parallel of Latitude 39° South;
- (26) Thence west along that parallel to its intersection by the meridian of Longitude 151° East;
- (27) Thence south along that meridian to its intersection by the parallel of Latitude 40° South;
- (28) Thence west along that parallel to its intersection by the meridian of Longitude 140° East;
- (29) Thence south along that meridian to its intersection by the outer limit of the Zone;
- (30) Thence generally north-westerly, westerly, south-westerly, westerly, north-westerly and northerly along the outer limit of the Zone to its intersection by the parallel of Latitude 34° South;
- (31) Thence east along that parallel to its intersection by the line every point of which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (32) Thence generally northerly, easterly, northerly, north-westerly, northerly and north-easterly along that line to its intersection by the meridian of Longitude 127° East;
- (33) Thence easterly along the rhumb line to the point of Latitude 13°21' South, Longitude 129°40' East;
- (34) Thence north along the meridian of Longitude 129°40' East to its intersection by the parallel of Latitude 10°30' South;
- (35) Thence east along that parallel to its intersection by the meridian of Longitude 133°16' East;
- (36) Thence south along that meridian to its intersection by the parallel of Latitude 11° South;
- (37) Thence south-easterly along the rhumb line to the point of Latitude 11°25' South, Longitude 134°15' East;
- (38) Thence east along the parallel of Latitude 11°25' South to its intersection by the meridian of Longitude 135°35' East;
- (39) Thence north-easterly along the rhumb line to the point of Latitude 11°05' South, Longitude 136°10' East;
- (40) Thence north-easterly along the rhumb line to the point of Latitude 10°30' South, Longitude 136°40' East;
- (41) Thence south-easterly along the rhumb line to the point of Latitude 11° South, Longitude 137°05' East;
- (42) Thence south along the meridian of Longitude 137°05' East to its intersection by the parallel of Latitude 11°47' South;
- (43) Thence easterly along the rhumb line to the point of Latitude 11°10' South, Longitude 141° East;
- (44) Thence north along the meridian of Longitude 141° East to its intersection by the parallel of Latitude 10°22'44" South;

- (45) Thence north-easterly along the rhumb line to the point of Latitude 9°46' South, Longitude 142° East;
- (46) Thence easterly along the rhumb line to the point of Latitude 9°45'24" South, Longitude 142°03'30" East;
- (47) Thence north along the meridian of Longitude 142°03'30" East to its intersection by the parallel of Latitude 9°15'43" South;
- (48) Thence north-easterly along the rhumb line to the point of Latitude 9°12'50" South, Longitude 142°06'25" East;
- (49) Thence north-easterly along the rhumb line to the point of Latitude 9°11'51" South, Longitude 142°08'33" East;
- (50) Thence easterly along the rhumb line to the point of Latitude 9°11'58" South, Longitude 142°10'18" East;
- (51) Thence easterly along the rhumb line to the point of Latitude 9°11'22" South, Longitude 142°12'54" East;
- (52) Thence easterly along the rhumb line to the point of Latitude 9°11'34" South, Longitude 142°14'08" East;
- (53) Thence south-easterly along the rhumb line to the point of Latitude 9°13'53" South, Longitude 142°16'26" East;
- (54) Thence south-easterly along the rhumb line to the point of Latitude 9°16'04" South, Longitude 142°20'41" East;
- (55) Thence south-easterly along the rhumb line to the point of Latitude 9°22'04" South, Longitude 142°29'41" East;
- (56) Thence easterly along the rhumb line to the point of Latitude 9°21'48" South, Longitude 142°31'29" East;
- (57) Thence south-easterly along the rhumb line to the point of Latitude 9°22'33" South, Longitude 142°33'28" East;
- (58) Thence north-easterly along the rhumb line to the point of Latitude 9°21'25" South, Longitude 142°35'29" East;
- (59) Thence easterly along the rhumb line to the point of Latitude 9°20'21" South, Longitude 142°41'43" East;
- (60) Thence easterly along the rhumb line to the point of Latitude 9°20'16" South, Longitude 142°43'53" East;
- (61) Thence easterly along the rhumb line to the point of 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;
- (62) Thence generally easterly, south-easterly and southerly along that line to the point of Latitude 9°23'40" South, Longitude 142°51' East;
- (63) Thence south along the meridian of Longitude 142°51' East to its intersection by the parallel of Latitude 9°40'30" South;
- (64) Thence easterly along the rhumb line to the point of Latitude 9°40' South, Longitude 143° East;
- (65) Thence north-easterly along the rhumb line to the point of Latitude 9°33' South, Longitude 143°05' East;
- (66) Thence east along the parallel of Latitude 9°33' South to its intersection by the meridian of Longitude 143°20' East;
- (67) Thence north-easterly along the rhumb line to the point of Latitude 9°24' South, Longitude 143°30' East;

- (68) Thence easterly along the rhumb line to the point of Latitude 9°22' South, Longitude 143°48' East;
- (69) Thence easterly along the rhumb line to the point of Latitude 9°30' South, Longitude 144°15' East; and
- (70) Thence south-easterly along the rhumb line to the point of commencement.

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

- (1) Commencing at the point of Latitude 12° South, Longitude 145° East; and
- (2) Running thence south along the meridian of Longitude 145° East to its intersection by the parallel of Latitude 13° South;
- (3) Thence south-easterly along the rhumb line to the point of Latitude 15° South, Longitude 146° East;
- (4) Thence southerly along the rhumb line to the point of Latitude 17°30' South, Longitude 147° East;
- (5) Thence south-easterly along the rhumb line to the point of Latitude 18°43'16" South, Longitude 149° East;
- (6) Thence north along the meridian of Longitude 149° East to its intersection by the parallel of Latitude 17° South;
- (7) Thence south-westerly along the rhumb line to the point of Latitude 14° South, Longitude 147° East; and
- (8) Thence north-westerly along the rhumb line to the point of commencement.

D. From 31 December 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 of Latitude 29°26' South, Longitude 153°55' East; and
- (2) Running thence south-westerly along the rhumb line to the point of Latitude 30° South, Longitude 153°45' East;
- (3) Thence south-westerly along the rhumb line to the point of Latitude 30°20' South, Longitude 153°35' East;
- (4) Thence southerly along the rhumb line to the point of Latitude 30°55' South, Longitude 153°22' East;
- (5) Thence southerly along the rhumb line to the point of Latitude 31°50' South, Longitude 153°20' East;
- (6) Thence southerly along the rhumb line to the point of Latitude 32°45' South, Longitude 153°03' East;
- (7) Thence south-westerly along the rhumb line to the point of intersection of the parallel of Latitude 33°50' South by the 200-metre isobath (Aus. 4602);
- (8) Thence generally southerly along that isobath to its intersection by the parallel of Latitude 34° South;
- (9) Thence east along that parallel to its intersection by the line every point on which is 50 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (10) Thence generally northerly along that line to its intersection by the parallel of Latitude 29°26' South; and
- (11) Thence west along that parallel to the point of commencement.

EXCHANGE OF NOTES

I

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The Department of Foreign Affairs presents its compliments to the Embassy of Japan and has the honour to refer to consultations between representatives of the Government of Australia and the Government of Japan pursuant to the Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-line Fishing done at Canberra on 30 October, 1986.

In accordance with that Subsidiary Agreement the Department wishes to notify the Embassy of the following determinations of the Government of Australia.

A. APPLYING FOR AND ISSUING LICENCES

1. The following arrangements will operate in respect of applying for and issuing licences, permitting fishing vessels of Japan and masters of those vessels to engage in fishing in the area of the Zone in which fishing is permitted in accordance with Article II of the Subsidiary Agreement (the "Japanese tuna long-line fishing area"):

- (a) The competent Japanese authorities will notify the Australian Department of Primary Industry, Canberra, of the appropriate organisations representing the vessels (called "the Organisations").
- (b) The Australian Department of Primary Industry, Canberra, will provide the Organisations with Australian licence application forms for distribution to the operators of the vessels.
- (c) The Organisations will deliver to the Australian Department of Primary Industry, Canberra, completed Australian licence application forms for each vessel and its master.
- (d) At the time of applying for licences, the Organisations will submit a fishing plan for each vessel to the Australian Department of Primary Industry, Canberra, specifying, where appropriate, the calendar months in which that vessel expects to operate in the Japanese tuna long-line fishing area.
- (e) Upon the granting of a licence the Government of Australia will notify the Organisations within a reasonable time of the names of the vessels in respect of which licences have been granted and the serial number of each such licence.
- (f) The Australian Department of Primary Industry will forward the licences direct to the Organisations or through an agent nominated by the Organisations.
- (g) The Organisations will make appropriate arrangements for the delivery of the licence to each such vessel.
- (h) During the first 2 months after entry into force of the Subsidiary Agreement, a vessel may enter and fish in the Zone without having the Licence on board,

provided it is not possible to arrange for delivery of the licence to the vessel before it commences fishing in the Zone. The Organisations will advise the Australian Department of Primary Industry of the name and radio call sign of each such vessel before it enters the Zone.

- (i) The fee of three million, one hundred and fifty thousand Australian dollars payable in accordance with Article I of the Subsidiary Agreement is to be paid in advance of the issue of licences as follows:
- (i) One million, five hundred and seventy-five thousand Australian dollars paid in one amount to the Department of Primary Industry, Canberra, in freely disposable Australian currency free of exchange and service charges, and
 - (ii) An irrevocable letter of credit established by telex by a first-class Japanese bank through the Commonwealth Trading Bank, Canberra, in favour of the Department of Primary Industry, Canberra, for an amount of one million, five hundred and seventy five thousand Australian dollars, in freely disposable Australian currency free of exchange, negotiating, credit, service and other charges, with provision for drawings at sight to be made 180 days from the letter of credit date and for a period of 30 days thereafter.

B. COMMUNICATING BY JAPANESE TUNA LONG-LINE FISHING VESSELS WITH THE AUSTRALIAN AUTHORITIES

2. The Government of Australia will provide to the Government of Japan and to the master of each vessel a copy, in Japanese, of the relevant procedures for reporting to the Federal Sea Safety and Surveillance Centre (hereinafter referred to as COASTWATCH) and will require the master of each such vessel to comply with the reporting procedures and message formats specified therein.

3. The relevant procedures are set out in a document titled *Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels*, a copy of which, in English, is attached to this Note as Annex A.

4. Notwithstanding the requirement in paragraph 15 of *Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels* that the equipment of the vessels for taking fish be stowed below deck in the circumstances described in that paragraph, the other provisions of that paragraph will also apply to vessels proceeding in accordance with that paragraph provided the equipment of the vessels for taking fish is stowed and secured on the deck.

5. The Australian Department of Primary Industry is to be notified at least 7 days before an intended port entry. This requirement is additional to the reporting requirements set out in the attached *Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels*.

6. Where the Australian authorities wish to communicate with a vessel the appropriate message will be transmitted by the Australian coastal radio network. The vessels will be required to monitor at least once a day the coastal radio broadcasts which are set out in Annex B.

C. COMMUNICATION PROCEDURES FOR VESSELS OPERATING IN AREA DESIGNATED FOR USE OF HAND-LINES ONLY

7. Immediately prior to entering the area specified in Article II(b) of the Subsidiary Agreement for the purpose of fishing in it, each vessel will provide a catch and effort report (as provided for in Paragraph 11) covering the period of fishing since the previous 6-day catch and effort report was provided.

8. Thereafter catch and effort reports will be sent to COASTWATCH for each 6-day period spent in the area.

9. Immediately prior to leaving the area specified in Article II(b) each vessel which has been fishing in that area will provide a catch and effort report (as provided for in Paragraph 11) covering the period of fishing since the previous 6-day catch and effort report was provided to COASTWATCH.

10. Thereafter catch and effort reports will be sent to COASTWATCH for each 6-day period (in accordance with Paragraph 11), day one being the day on which fishing outside the hand-lining area recommences.

D. PREPARING AND REPORTING OF CATCH AND EFFORT DATA

11. Each vessel will provide catch and effort reports in accordance with the relevant procedures set out in *Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels*, indicating:

- (a) The catch in the Zone for each 6-day period in number and estimated total weight (gilled and gutted) of southern bluefin tuna, albacore tuna, bigeye tuna, yellowfin tuna, black marlin and other species; and
- (b) The effort in the Zone in each 6-day period in total number of hooks set by the vessel.

12. To assist Australian authorities to carry out inspection of a vessel and to assist interpretation of 6-day radio catch reports, the vessel will, from the date of delivery of the licence, maintain a catch record while operating within the Zone. The Australian Department of Primary Industry will forward a supply of the Australian log books to the Organisations and/or to the agent nominated by the Organisations prior to the issue of licences. Original pages will be collected from time to time by Australian inspectors or forwarded by post by the vessel at the first port of call following operations in the Zone. A copy of the forms will remain on the vessel. The Australian authorities will forward copies of the originals to the appropriate Organisation (Federation of Japan Tuna Fisheries Co-operative Associations) within 30 days of their receipt.

13. The competent Japanese authorities will arrange for the provision of details of the main "target species" of each vessel and a description of the dimensions of its long-line gear including details of any changes that occur during a fishing campaign to the Australian Department of Primary Industry in respect of the vessels not later than 90 days after the vessels return to their home ports.

14. The competent Japanese authorities will provide from time to time to the Australian Department of Primary Industry an up-to-date table of average fish weights, by species, for each major fishing area to enable conversion of the catch by number to catch by weight.

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

Canberra, 30 October 1986

ANNEX A

AUSTRALIAN FISHING ZONE

Approved message formats to be used by foreign fishing vessels reporting in accordance with requirements in the Fisheries Act and Regulations

NOTES FOR THE GUIDANCE OF MASTERS AND RADIO OPERATORS ON LICENSED FOREIGN FISHING VESSELS

What you are required to report to the Australian Authorities

1. Foreign fishing boats licensed to fish in the 200 mile Australian fishing zone (AFZ) are required to:
 - * (a) Notify, 36 hours in advance, intention to enter the AFZ.
 - Advise proposed position and estimated time of entry, destination in authorised fishing area
 - Message indicator — AFZE. See paragraphs 16, 17 of these notes
 - * (b) Report, at the hour and on the days specified in the licence, the position of the boat in the AFZ.
 - This message should include catch reports where these are required
 - Message indicator — AFZP. See paragraph 18 of these notes
 - * (c) Notify, 24 hours in advance, the sailing plan for travel in the AFZ outside the authorised fishing area (not required while the boat is in its authorised fishing area).
 - Advise proposed courses and times of course change, destination in authorised fishing area
 - Message indicator — AFZT. See paragraph 19 of these notes
 - * (d) Notify, 24 hours in advance, intention to depart from the zone.
 - Advise proposed position and estimated time of departure
 - Message indicator — AFZX. See paragraph 20 of these notes
 - * (e) Report, 36 hours in advance, intention to enter an Australian port in accordance with an endorsed licence, or for pre-fishing or post-fishing inspection.
 - Advise proposed courses and times of course change en route to the port
 - Name of port and estimated time of arrival
 - Message indicator — AFZH. See paragraph 21 of these notes
 - † (f) Report, 24 hours in advance, intention to depart from an Australian port.
 - Advise proposed time of departure, destination and sailing plan in the zone outside authorised fishing area

* These messages, if sent in the format shown on page [211], will be accepted by Australian coast radio stations without charge to the boat.

† If the boat is in port at the time of sending this message, see paragraph 22. If the boat is at sea at the time of sending this message, it may be sent by radio in the same way as the other messages.

- See paragraph 22 of these notes
- * (g) Report, within 12 hours, the time the boat starts and stops fishing in authorised fishing area.
- See paragraph 23 of these notes

Who to report to

2. Address all messages to the Australian Coastal Surveillance Centre (ACSC) which is manned 24 hours of every day.

General principles

3. The address for all messages is to be transmitted ACSC.
4. The message indicator (see paragraph 1 of these notes and the attachment) follows the address.
5. The international radio call sign of the boat follows the message indicator.
6. In giving the co-ordinates of a position, always give the latitude first, the longitude second.
7. Latitude is given by 4 digits:

1	2	3	4	Example: 2436 24°36'S
Degrees		Minutes		
South				

8. Longitude is given by 5 digits:

1	2	3	4	5	Example: 09823 98°23'E
Degrees		Minutes			
East					

9. As a general rule, since latitudes in the messages will be South and longitudes will be East, there is no need to transmit indicators such as "S" and "E".
10. Whenever a pair of co-ordinates is given, the date and time the ship was, or expects to arrive, at that position (ETA) must follow immediately after the longitude.
11. Date/time groups (DTG) are to be transmitted in the standard form, that is, 6 digits followed by 4 letters, as follows:

1	2	3	4	5	6	Z	A	B	C
Day		Hour		Minutes		GMT	First 3 letters of the	name of the month	
Number		(24 hr clock)				Indicator			

From the 1st to the 9th of the month, the day number is preceded by a zero (0).
Example: 061930Z Oct 1930 hours GMT on 6 October.

12. All AFZE, AFZT or AFZH messages must include a sailing plan of the boat's intended movements while travelling in the zone outside the authorised fishing area specified in the licence. The information required is each position at which the boat expects to change course (waypoint) and the ETA at that waypoint. A message may include as many waypoints as are necessary to allow ACSC to calculate the approximate position of the boat at any time during the travel. The boat may signal a change to a sailing plan (use same message indicator as original request) if weather or sea conditions should make this necessary at any time and may adopt the changed

sailing plan immediately the Australian coast radio station acknowledges receipt of the signal. ACSC may approve a sailing plan subject to variations signalled to the boat. The boat is required to adopt a sailing plan varied by ACSC. WHILE THE BOAT IS IN ITS AUTHORISED FISHING AREA, IT IS FREE TO TRAVEL ANYWHERE WITHOUT LODGING A SAILING PLAN BUT MUST REPORT POSITION AFZP.

13. All AFZE and AFZT messages must conclude with a position in the authorised fishing area for the boat and an ETA at that position. When the boat is travelling through the AFZ to an Australian port, the AFZH format should be used, regardless of the point at which the travel commenced.
14. Where the arrangements under which a foreign boat is licensed require that boat to report its catch and fishing effort by radio, the Australian authorities will provide a 2 letter species code and a unit for reporting the effort in each fishing method, to be used in AFZP messages. Each species in the code will have a quantity unit allocated to it. See the format for AFZP.
15. Masters should note that provided the boat proceeds in the AFZ outside its authorised fishing area at cruising speed within 5 nautical miles on either side of the straight line joining any pair of waypoints approved by ACSC, and provided its equipment for taking fish is stowed below deck and secured, the Australian authorities will not interfere with approved passage of the boat concerned in the AFZ outside its authorised fishing area.

The five basic message formats

16. Notification of intention to enter the authorised fishing area of the boat in the zone AFZE must be transmitted to reach ACSC not less than 36 hours before ETA at the point of entry to the AFZ.
17. Boats required to call at an Australian port for pre-fishing inspection and delivery of licence do not use the AFZE message. See paragraph 21 below.
18. Periodic position (and, if specified, catch and fishing effort) reports AFZP are to be sent in respect of the nominated hour on the first day the foreign boat enters the AFZ and thereafter on every (n)th day as specified in Schedule 4, Item (c) of the Australian licence for the boat. For example, a boat required to report on every second day will send its reports on days 1, 3, 5, 7, 9 etc. throughout the period the boat remains in the AFZ, until the boat sends and receives approval in respect of an AFZX message. Unless the boat is in port AFZP messages must be transmitted in time to reach ACSC within 12 hours of the specified report hour on a reporting day. The effort report comprises the indicator FF, followed by the number of effort units expended since the last report, transmitted at the end of an AFZP message.
19. Notification of intention to travel in an area of the AFZ outside the boat's authorised fishing area AFZT must be transmitted to reach ACSC not less than 24 hours before the travel starts. The boat must not move into an area of the AFZ that is not specified in its licence as an authorised fishing area until ACSC has signalled approval to travel, via an Australian coast radio station.
20. Boats not required to call at an Australian port for post-fishing inspection are required to report intention to travel to a point outside the zone AFZX not less than 24 hours before the expected time of clearing outward from the zone. Failure to meet this requirement may result in refusal of future licences.
21. Notification of intention AFZH to bring into an Australian port a foreign fishing boat, for which the licence is endorsed to authorise entry to that port, or to undergo pre-fishing or post-fishing inspection, should be made not less than 36 hours before ETA at the port.

Notification of intention AFZH for a foreign fishing boat, without an endorsed licence, to enter an Australian port to overcome a genuine emergency, for the purpose

of securing the safety of human life or the vessel, may be made at any time and the boat may proceed immediately to safety in anticipation of approval from ACSC. If, after appropriate enquiries, the Australian authorities consider that some doubt exists as to the genuine nature of the claimed emergency, the master of the vessel may be charged under the Australian fisheries law.

Departure from Australian ports

22. A foreign fishing boat in an Australian port:

- (a) for pre-fishing inspection (after entering the AFZ but before commencing to fish in the zone); or
- (b) for post-fishing inspection (prior to final departure from the AFZ at the end of the fishing campaign or on expiry of the Australian licence); or
- (c) under the authority of a licence endorsement; or
- (d) in emergency circumstances;

is required to notify its intention to depart from the port and travel through the AFZ either to the high seas beyond the AFZ or to the authorised fishing area. Notifications must be transmitted to ACSC, by telegram or telex not less than 24 hours before the boat is scheduled to depart from the port, at the expense of the sender. The message must include:

- Appropriate message indicator (either AFZX or AFZT, depending on the destination)
- Radio call sign of the vessel
- Port of departure
- Sailing plan within the zone outside authorised fishing area (see message formats on page [211])

Messages lodged in a port are to be addressed to:

- telegram — COSURCEN CANBERRA
- telex — ACSC AA62349

Australian law prohibits the transmission of radio messages from a boat in port. The assistance of the shipping agent for the boat in the port should be sought.

Report of starting/stopping fishing

23. When a licensed foreign boat in the AFZ starts fishing (on commencement of the fishing campaign or after having stopped fishing for any reason) or stops fishing to begin another activity, a report is to be made, within 12 hours, —

- (a) by inserting in an AFZP, AFZT, AFZX or AFZH message at the point marked Δ in the format, the appropriate one of either:

(i) "Start fishing" Indicator	Time of Starting Fishing	or (ii) "Stopped fishing" Indicator	Time of Stopping Fishing
AFZB	(6 digits) Z (3 letters)	AFZS	(6 digits) Z (3 letters)

or (b) by a separate message consisting of —

- Address (ACSC)
- Message Indicator (AFZB/AFZS)
- Radio call sign
- Time of starting/stopping fishing

AUSTRALIAN FISHING ZONE

APPROVED MESSAGE FORMATS TO BE USED BY FOREIGN FISHING VESSELS REPORTING IN ACCORDANCE WITH REQUIREMENTS IN THE FISHERIES ACT REGULATIONS

Radio Transmission via Australian Coastal Radio Station:

(i) Report of entry to authorised fishing area from high seas – fishing campaign begins

FORMAT:	Address	Message Indicator	Call Sign	Enter at Latitude	Enter at Longitude	Estimated entry time	Destination Latitude	Destination Longitude	ETA Destination
Example:	ACSC	AFZE	(letters/digits)	(4 digits)	(5 digits)	(6 digits) Z (month)	(4 digits)	(5 digits)	(6 digits) Z (month)

(ii) Position and Catch Report:

FORMAT:	Address	Message Indicator	Call Sign	Position Latitude	Position Longitude	Date / Time of position	First Species (coded)	Catch	Second Species (coded)	Catch	Fishing Effort Indicator	Fishing Effort Quantity
Example:	ACSC	AFZP	(letters/digits)	(4 digits)	(5 digits)	(6 digits) Z (month)	(2 letters)	(digits)	(2 letters)	(digits)	FF	(digits)

(iii) Travel in AFZ outside authorised fishing area – requesting approval – includes an example of a waypoint

FORMAT:	Address	Message Indicator	Call Sign	Start Latitude	Start Longitude	Date / Time of start	Waypoint Latitude	Waypoint Longitude	ETA Waypoint
Example:	ACSC	AFZT	(letters/digits)	(4 digits)	(5 digits)	(6 digits) Z (month)	(4 digits)	(5 digits)	(6 digits) Z (month)
							Destination Latitude	Destination Longitude	ETA Destination
							(4 digits)	(5 digits)	(6 digits) Z (month)

(iv) Report of exit from AFZ to high seas – end of fishing campaign

FORMAT:	Address	Message Indicator	Call Sign	Start Latitude	Start Longitude	Start Time	Exit Point Latitude	Exit Point Longitude	ETA Exit Point
Example:	ACSC	AFZX	(letters/digits)	(4 digits)	(5 digits)	(6 digits) Z (month)	(4 digits)	(5 digits)	(6 digits) Z (month)

(v) Entry to an Australian Port – reporting intention

FORMAT:	Address	Message Indicator	Call Sign	Start Latitude	Start Longitude	Start Time	Port of Destination	ETA at the Port
Example:	ACSC	AFZH	(letters/digits)	(4 digits)	(5 digits)	(6 digits) Z (month)	(letters)	(6 digits) Z (month)

* Report of position only, terminates at this point. Δ Insert AFZB or AFZS report (see para. 23) at this point in the format.

∅ Any waypoints necessary to describe the proposed sailing plan of the boat should be inserted at this point in the message in the specified format.

II

EMBASSY OF JAPAN
CANBERRA

No. 86-087

Note Verbale

The Embassy of Japan presents its compliments to the Department of Foreign Affairs, and has the honour to acknowledge the receipt of the latter's Note No. 253644 dated October 30, 1986.

The Embassy avails itself of this opportunity to renew to the Department the assurances of its highest consideration.

Canberra, A.C.T., 30 October 1986

RECORD OF DISCUSSION

Delegations of the Government of Australia and the Government of Japan wish to record the following with respect to the catch of marlins in the Australian fishing zone adjacent to the east coast of Australia:

1. The Japanese delegation advised that it recognised that Australian sport fishing and recreational fishing groups had a major interest in the stocks of marlins off the east coast and that Japanese industry would release all black marlin (*Makaira indica*) and blue marlin (*Makaira mazara*) which are alive at the time of longline retrieval. In addition, Japanese industry would release all striped marlin (*Tetrapturus audax*) which are alive at the time of longline retrieval in the area specified in Appendix D to the Subsidiary Agreement signed today.

2. The Australian delegation invited Japanese fishermen to participate in the Australian east coast tagging program which is designed to measure the extent to which stocks of tuna and bill-fish in the Australian fishing zone mix with those of the broader south west Pacific Ocean. The Australian delegation emphasised that such Japanese participation would be on a voluntary basis.

Canberra, 30 October 1986

RECORD OF DISCUSSION

Delegations of the Government of Australia and the Government of Japan wish to record the following with respect to market access for Australian caught tuna:

1. The Australian delegation advised that the Australian industry has a keen interest in developing sales of sashimi quality tuna to the Japanese market. The Australian delegation sought confirmation that no restraints will

be placed in the way of Australians obtaining access to the Japanese sashimi tuna market.

2. The Japanese delegation provided the Australian delegation with the information on existing tariff and other requirements which are applied to the import of Australian caught tuna into Japan. The information mentioned above is described in the paper attached hereto. The Japanese delegation stated that any question related to market access for tuna will be dealt with in accordance with the statement of the Japanese delegation in the Record of Discussion of 17 October 1979 appended to the 1979 Head Agreement, which includes, *inter alia*, the statement that “the Japanese Government would be prepared to notify the Australian Government, as far as possible in advance, of alterations in access conditions of fish and fish products of Australian interest”, and that “where Australian fish and fish products are commercially competitive with the fish and fish products of other nations, market access is and will be available for such Australian fish and fish products under the Japanese import system”.

Canberra, 30 October 1986

OUTLINE OF REQUIREMENTS FOR IMPORT OF TUNA INTO JAPAN

A. TARIFF AND PRIOR CONFIRMATION (*applicable to all kinds of import of tuna*)

1. The tariff applied to the import of all kinds of tuna (fresh, chilled or frozen) into Japan is 5 percent.
2. The import of any kind of tuna except albacore into Japan by way of vessels is subject to prior confirmation by the Japanese Government.

B. UNLOADING OF TUNA

(In certain cases mentioned below there are additional requirements related to unloading. However, those requirements are not applicable to ordinary port-to-port shipment for trade of tuna.)

1. A foreign fishing vessel carrying tuna loaded at a port of a foreign country is admitted to unload such tuna in Japanese ports, provided that such tuna bears certifying documents specifying the kind, amount, port of embarkation and date of embarkation of the tuna and the name of the vessel, issued by the authorities of the said foreign country.
2. A foreign fishing vessel carrying tuna not bearing the certifying documents mentioned above is subject to prior approval for unloading such tuna in Japanese ports.
3. A vessel other than a foreign fishing vessel carrying tuna, not bearing the certifying documents mentioned above, transhipped from a foreign fishing vessel at sea is subject to prior approval for unloading such tuna in Japanese ports.

NOTE: The term “foreign fishing vessel” means a vessel other than Japanese vessel which:

- (a) Is equipped with fishing equipment, or
- (b) Is used for fishing or carries the catch from fishing grounds.

RECORD OF DISCUSSION

Delegations of the Government of Australia and the Government of Japan, with respect to the Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-line Fishing signed today, wish to record the following:

The limitation of catch in respect of Japanese tuna long-line fishing shall be determined through the number of its vessels, and through the periods and the areas in which that fishing shall be conducted.

Canberra, 30 October 1986
