

No. 26655

AUSTRALIA
and
REPUBLIC OF KOREA

**Subsidiary Agreement concerning squid jigging by fishing
vessels of the Republic of Korea (with appendices).
Signed at Canberra on 10 December 1987**

Authentic texts: English and Korean.

Registered by Australia on 8 June 1989.

AUSTRALIE
et
RÉPUBLIQUE DE CORÉE

**Accord subsidiaire relatif à la pêche du calmar par les navi-
res de la République de Corée (avec annexes). Signé à
Canberra le 10 décembre 1987**

Textes authentiques : anglais et coréen.

Enregistré par l'Australie le 8 juin 1989.

SUBSIDIARY AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA CONCERNING SQUID JIGGING BY FISHING VESSELS OF THE REPUBLIC OF KOREA

The Government of Australia and the Government of the Republic of Korea,

Pursuant to the provisions of paragraph 3 of Article IV of the Agreement on Fisheries between the Government of Australia and the Government of the Republic of Korea, signed at Canberra on the twenty-third day of November 1983² (hereinafter referred to as “the Head Agreement”), and

Wishing to establish the detailed procedures for the conduct of squid jigging operations by fishing vessels of the Republic of Korea (hereinafter referred to as “the vessels”) within the Australian fishing zone (hereinafter referred to as “the Zone”) and for the issue of licences by the Government of Australia,

Have agreed as follows:

Article I. Subject to payment to the Government of Australia of a fee for all the vessels to be licensed of 71,390 Australian dollars, the Government of Australia shall, in accordance with the provisions of the Head Agreement, issue licences for ten vessels (hereinafter referred to as “the licensed vessels”) for the period of validity of this Subsidiary Agreement.

Article II. The Government of Australia shall, by the licences issued for the licensed vessels, permit those vessels to take all species of squid (hereinafter referred to as “squid”) by means of the jigging method of fishing in the authorised area specified in Appendix A to this Subsidiary Agreement.

Article III. 1. The Government of Australia shall permit the licensed vessels to take a quantity of squid which except as provided in sub-paragraph 2 of this Article shall not exceed 500 tonnes.

2. The Government of Australia shall permit the licensed vessels to take an additional quantity of squid not exceeding 3,500 tonnes upon:

- (a) Receiving the written request of the Government of the Republic of Korea specifying the additional quantity of squid to take for which permission is sought; and
- (b) Payment to the Government of Australia of an additional fee of 142.78 Australian dollars per tonne of squid.

Article IV. 1. The Government of Australia, subject to the relevant laws and regulations of Australia, shall permit the licensed vessels to enter the ports of Adelaide, Port Lincoln, Portland, Melbourne, Geelong, Launceston, Devonport and Hobart.

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

3. (a) In addition, the Government of Australia, in accordance with the relevant laws and regulations of Australia, will consider requests by masters of

¹ Came into force with retroactive effect from 1 October 1987, in accordance with article X.

² United Nations, *Treaty Series*, vol. 1424, p. 129.

licensed vessels or their agents for permission to enter the port of Grassy on King Island.

(b) Masters of such vessels intending to enter the port of Grassy or their agents shall apply to the Collector of Customs, Tasmania, through the Federal Sea Safety and Surveillance Centre (Coastwatch) at least thirty-six hours in advance of the intended time of entry for permission to enter this port.

Article V. 1. Masters of the licensed vessels shall offer a quantity of squid species for sale to Australian commercial interests if required by the Department of Primary Industries and Energy to do so.

2. The aggregate quantity of squid to be made available for sale in Australia shall not exceed 20 per cent of the total allocation of catch to the licensed vessels.

3. The price to be paid for such squid shall be a matter for mutual agreement between fishermen of Korea and commercial interests of Australia. Korean fishermen shall make every effort to ensure that the prices charged for such squid are reasonable, having regard to the cost savings incurred by landing squid in Australia and the needs of Australian processors.

4. Reasonable notification shall be provided of the quantity, quality and destination of squid required to be landed and every effort shall be made to ensure that these requirements minimise any disruption to the fishing operations of the licensed vessels.

5. Landings of squid shall conform with the guidelines for landing of frozen fish caught by foreign operators on the Australian domestic market specified in Appendix B to this Subsidiary Agreement.

6. To facilitate compliance with paragraphs 1 and 2 of this Article, licensed vessels shall be permitted to enter Australian ports in addition to those mentioned in Article IV with the approval of the Department of Primary Industries and Energy.

Article VI. 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 licensed vessels and shall, in accordance with the relevant laws and regulations of Australia, issue licences in respect of those persons.

Article VII. 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;
- (c) Pre- and post-fishing inspections to be undertaken by competent Australian authorities; and
- (d) Communicating between the vessels and the competent Australian authorities.

2. The Government of Australia shall notify the Government of the Republic of Korea of determinations under paragraph 1 of this Article within a reasonable time.

Article VIII. The Government of the Republic of Korea shall, in accordance with the relevant laws and regulations of the Republic of Korea, provide the

Government of Australia with available current economic and marketing information relevant to the operations of the licensed vessels within the Zone.

Article IX. 1. Both Governments shall, in accordance with the provisions of Article XI 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 X. This Subsidiary Agreement shall enter into force on the first day of October 1987 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 on this tenth day of December 1987, in the English and Korean languages, both texts being equally authentic.

For the Government
of Australia:

[Signed — Signé]¹

For the Government
of the Republic of Korea:

[Signed — Signé]²

APPENDIX A

AUTHORISED AREA OF THE AUSTRALIAN FISHING ZONE FOR KOREAN SQUID JIGGING VESSELS

A. The part of the Australian fishing zone to the south of Australia, with the exception of waters specified under sections B, C, D and E below, within the area bounded by a line

- (1) Commencing at the point of intersection of the meridian of Longitude 129°00' East by the line every point of which is 12 international nautical miles seaward from the nearest point of the baselines from which the breadth of the territorial sea is measured;
- (2) Running thence generally easterly and south-easterly along that line to its intersection by the meridian of Longitude 136°10' East;
- (3) Thence south along that meridian to its intersection by the parallel of Latitude 36°30' South;
- (4) Thence south-easterly along the rhumb line to the point of Latitude 37°00' South, Longitude 138°00' East;
- (5) Thence south-easterly along the rhumb line to the point of Latitude 37°10' South, Longitude 139°00' East;

¹ Signed by Peter Morris — Signé par Peter Morris.

² Signed by Chang Soo Lee — Signé par Chang Soo Lee.

- (6) Thence south-easterly along the rhumb line to the point of Latitude 38°20' South, Longitude 140°35' East;
- (7) Thence south-easterly along the rhumb line to the point of Latitude 38°47' South, Longitude 141°35' East;
- (8) Thence south-easterly along the rhumb line to the point of Latitude 38°55' South, Longitude 142°20' East;
- (9) Thence south-easterly along the rhumb line to the point of Latitude 39°20' South, Longitude 143°31' East;
- (10) Thence north along the meridian of Longitude 143°31' East to its intersection by the line every point of which is 6 international nautical miles seaward from the nearest point of the baselines from which the breadth of the territorial sea is measured;
- (11) Thence generally north-easterly, easterly and south-easterly along that line to its intersection by the meridian of Longitude 144°40' East;
- (12) Thence south along that meridian to its intersection by the line every point of which is 12 international nautical miles seaward from the nearest point of the baselines from which the breadth of the territorial sea is measured, adjacent to the mainland of the State of Victoria;
- (13) Thence generally easterly, south-easterly and north-easterly along that line to its intersection by the parallel of Latitude 38°41' South;
- (14) Thence east along that parallel to its intersection by the meridian of Longitude 148°13' East;
- (15) Thence north-easterly along the rhumb line to the point of Latitude 38°32' South, Longitude 148°26' East;
- (16) Thence north-easterly along the rhumb line to the point of Latitude 38°19' South, Longitude 148°35' East;
- (17) Thence north-westerly along the rhumb line to the point of Latitude 38°08' South, Longitude 148°31' East;
- (18) Thence north along the meridian of Longitude 148°31' East to its intersection by the line every point of which is 12 international nautical miles seaward from the nearest point of the baselines from which the breadth of the territorial sea is measured;
- (19) Thence easterly and north-easterly along that line to its intersection by the line which is 12 international nautical miles south-westerly from and parallel to the seaward extension of the border between the States of Victoria and New South Wales;
- (20) Thence south-easterly along that line to its intersection by the outer limit of the Australian fishing zone;
- (21) Thence generally southerly, south-westerly, westerly, north-westerly, northerly and north-westerly along that outer limit to its intersection by the meridian of Longitude 129°00' East; and
- (22) Thence north along that meridian to the point of commencement.

Excepted Areas

B. At all times waters within 3 international nautical miles seaward of the baselines from which the breadth of the territorial sea is measured.

C. At all times waters within 12 international nautical miles seaward of the baselines from which the breadth of the territorial sea of the mainland of Tasmania is measured.

D. At all times waters within 12 international nautical miles seaward of the baselines from which the breadth of the territorial sea of the Furneaux Group of islands is measured. (See attached list.)

E. At all times waters within 12 international nautical miles seaward of the baselines from which the breadth of the territorial sea of King Island, in the State of Tasmania, is measured.

The Furneaux Group

Consists of the following islands

Flinders Island	Badger Island
Cape Barren Island	Little Badger Islet
Clarke Island	Beagle Islet
The Sisters	Double Rock
Roydon (Roden) Island	Boxen Islet
North Pasco Island	Mount Chappell Island
Middle Pasco Island	Ann Islet
Chalky Island	Long Island
Little Chalky Islet	Dough Bay Islet
Reef Islet	Oyster Rocks
Mile Islet	Little Anderson Islet
Isabella Islet	Anderson Island
Big Green Island	Tin Kettle Island
Prime Seal (Hummock) Island	Little Dog Island
Low Islets	Great Dog Island
Babel Island	Little Green Island
Cat Island	Vansittart Island
Storehouse Island	Briggs Islet
Parrys Rock	Flat Rock
East Kangaroo Island	Gull Islet
Chappell Islands	Gull Rock
Little Goose Islet	

Refer to pages 140-144, *Australia Pilot*, Volume II, Sixth Edition, 1982.

APPENDIX B

GUIDELINES FOR LANDING OF FROZEN FISH CAUGHT BY FOREIGN OPERATORS ON THE AUSTRALIAN DOMESTIC MARKET

The following guidelines shall apply to the landing of product from foreign vessels for sale on the domestic market:

- (i) Product from foreign fishing vessels shall be permitted to land for further processing or export;
- (ii) Product landed shall not be sold fresh on Australian fish markets; and
- (iii) Such landings shall be allowed only if they are not detrimental to the Australian fishing industry. The Department of Primary Industries and Energy shall undertake an annual review of these landings and report to the Australian Fisheries Council with specific emphasis on the effects of the landings on the Australian industry.