

No. 33346

**AUSTRALIA
and
JAPAN**

**Subsidiary Agreement concerning Japanese tuna long-line
fishing (with appendices). Signed at Canberra on 4 June
1996**

Authentic text: English.

Registered by Australia on 5 November 1996.

**AUSTRALIE
et
JAPON**

**Accord subsidiaire concernant la pêche de thonidés à la
palangre par des navires japonais (avec appendices).
Signé à Canberra le 4 juin 1996**

Texte authentique : anglais.

Enregistré par l'Australie le 5 novembre 1996.

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 250, subject to payment to the Government of Australia of a fee of three million four hundred and fifty thousand Australian dollars for all the vessels to be licensed and for the period of validity of this Subsidiary Agreement. This fee consists of the following amounts:

- (a) two million one hundred and seventy-five thousand Australian dollars for the East Coast Area specified in Appendix I to this Subsidiary Agreement, which forms an integral part hereof;
- (b) two hundred and seventy-five thousand Australian dollars for the West Coast Area specified in Appendix I to this Subsidiary Agreement; and
- (c) one million Australian dollars for the Area off Tasmania specified in Appendix I to 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

¹ Came into force on 4 June 1996 by signature, in accordance with article IX.

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

species of tuna and broadbill swordfish, together with all other species of finfish including bill-fish and oceanic sharks which are incidentally caught:

- (a) by the use of floating long-lines, except in the areas specified in Appendix II 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 Appendix II 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, Cairns, Port Lincoln and Port Hedland.
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.

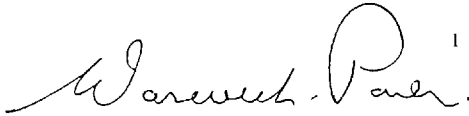
Article IX

This Subsidiary Agreement shall enter into force on signature and shall remain in force until 31 October 1996.

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

DONE in duplicate at Canberra this fourth day of June, 1996, in the English language.

For the Government
of Australia:

A handwritten signature in black ink, reading "Warwick Parer" with a superscript "1" to the right.

For the Government
of Japan:

A handwritten signature in black ink, reading "Akio Suda" with a superscript "2" to the right.

¹ Warwick Raymond Parer.

² Akio Suda.