

TRACKING STATIONS

**Agreements Between the
UNITED STATES OF AMERICA
and AUSTRALIA**

Amending and Extending the
Agreement of May 29, 1980, as
Amended and Extended

Effected by Exchange of Notes at
Canberra August 4, 2000

and

Effected by Exchange of Notes at
Canberra February 25, 2010

Effected by Exchange of Notes at Canberra
August 19, 2011 and January 11, 2012

Effected by Exchange of Notes at Canberra
November 18 and 21, 2013



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

AUSTRALIA

Tracking Stations

*Agreements amending and extending the
agreement of May 29, 1980, as amended
and extended.*

*Effected by exchange of notes at
Canberra August 4, 2000;*

Entered into force October 26, 2000.

*And effected by exchange of notes at
Canberra February 25, 2010;*

Entered into force February 25, 2010.

Effected by exchange of notes at

Canberra August 19, 2011 and January 11, 2012;

Entered into force February 2, 2012.

Effected by exchange of notes at

Canberra November 18 and 21, 2013;

Entered into force March 27, 2014.

No. 79

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and has the honor to refer to the Agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities, done at Canberra on May 29, 1980 ("The Program Agreement"), as amended by an exchange of Notes on July 21, 1981, and as further amended by an exchange of Notes on January 17, 1990 and May 2, 1990. In view of the mutual benefits to be derived from this cooperative program, the Embassy has the honor to propose that the Program Agreement be amended as follows:

1. In Article 1 of the Program Agreement, the cooperating agency of the Australian Government shall be the Commonwealth Scientific and Industrial Research Organisation.
2. In paragraph 1 of Article 2 of the Program Agreement, the list of facilities shall be replaced by the following:
 - (a) Canberra Deep Space Communication Complex, Tidbinbilla, Australian Capital Territory; and
 - (b) Tracking and Data Relay Satellite Ranging System, Alice Springs, Northern Territory.
3. Article 3 of the Program Agreement shall be replaced in its entirety by the following:

In connection with facilities provided or to be provided under the Program, the cooperating agencies are authorized to conclude further arrangements consistent with the provisions of this Agreement regarding the duration of the use of the facilities, the responsibility for and financing of the construction, installation and equipping of the facilities, the responsibility for and financing of the disposal of or the removal of

infrastructure and remediation work in the event a facility becomes surplus to requirements, and other details relating to the establishment or operation of the facilities.

4. Article 8 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

- (1) In accordance with the "Convention between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income done at Sydney on August 6, 1982" and the domestic laws of Australia, United States personnel sent to Australia by the United States cooperating agency for the purposes of activities under this Agreement shall be free from Australian income tax.

- (2) For the purposes of the provision relating to taxation, "United States personnel" means nationals of the United States of America not ordinarily resident in Australia and who are employees of the United States Government or the cooperating agency. All other persons engaged or employed for the purposes of the activities under this Agreement shall be subject to applicable Australian taxation laws.

5. Article 9 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

- (1) The Australian Government shall take the necessary steps to facilitate the admission into Australia of all equipment, materials, supplies and other property provided by or on behalf of the United States Government in connection with activities under this Agreement. Duties, taxes or like charges shall not be levied or shall be refunded on such property which is certified by the United States Government to be imported for use in such activities and which it is certified at the time of entry is or is intended to be the property of the United States Government.

- (2) A refund of indirect Australian federal taxes shall be allowed in respect of equipment, materials, supplies and other property and services purchased in Australia which are certified as being for use in connection with the activities under this Agreement and which are not for resale,

provided that such property shall become the property of the United States Government prior to use in Australia.

6. At the end of Article 10 of the Program Agreement add after the word "Agreement" the following:

“, including systems engineering design and development”

7. Article 11 of the Program Agreement shall be replaced in its entirety by the following:

Activities under this Agreement shall be carried out to the maximum extent practicable by Australian personnel, except to the extent otherwise arranged between the cooperating agencies.

8. Article 12 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

(1) The communications services of the Australian Government, its instrumentalities and domestic corporations shall be used, to the maximum extent practicable, for the purposes of the activities under this Agreement, in accordance with arrangements to be made between the cooperating agencies.

(2) The operation of radio transmitting and receiving equipment at the stations shall comply with the requirements of the relevant Australian authorities.

(3) The Australian Government shall take all reasonable steps to protect the radio transmit and receiving facilities of the stations from harmful radio frequency interference.

9. Article 13 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

(1) The program of cooperation set forth in this Agreement shall, subject to the availability of appropriated funds, remain in force until February 26, 2010, and may be further extended by agreement of the two Governments.

(2) Either Government may terminate the Agreement by giving written notice of termination through the diplomatic channel after consultations between the Governments have occurred. Such termination shall take effect one year after the date of written notice.

The Embassy has the further honor to propose that if the foregoing is acceptable to the Government of Australia, then this Note and the Government of Australia's confirmatory Note in reply shall constitute an Agreement between the Government of the United States of America and the Government of Australia to amend the Program Agreement of May 29, 1980, concerning space vehicle tracking and communication facilities. The Agreement shall enter into force with retroactive effect from February 26, 2000, when the Government of Australia advises, via the diplomatic channel, that it has completed the domestic processes necessary to give effect to this Agreement. Upon the entry into force of the Agreement it shall further amend and extend the Program Agreement dated May 29, 1980, as amended by the Exchange of Notes of July 21, 1981, and amended and extended by the Exchange of Notes of January 17, 1990 and May 2, 1990.



Embassy of the United States of America

4 August 2000, Canberra



LGB No. 00/51

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 79 of 4 August 2000, which reads as follows:

" The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and has the honor to refer to the Agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities, done at Canberra on May 29, 1980 ("The Program Agreement"), as amended by an exchange of Notes on July 21, 1981, and as further amended by an exchange of Notes on January 17, 1990 and May 2, 1990. In view of the mutual benefits to be derived from this cooperative program, the Embassy has the honor to propose that the Program Agreement be amended as follows:

1. In Article 1 of the Program Agreement, the cooperating agency of the Australian Government shall be the Commonwealth Scientific and Industrial Research Organisation.
2. In paragraph 1 of Article 2 of the Program Agreement, the list of facilities shall be replaced by the following:
 - (a) Canberra Deep Space Communication Complex, Tidbinbilla, Australian Capital Territory; and
 - (b) Tracking and Data Relay Satellite Ranging System, Alice Springs, Northern Territory.
3. Article 3 of the Program Agreement shall be replaced in its entirety by the following:

In connection with facilities provided or to be provided under the program, the cooperating agencies are authorized to conclude further arrangements consistent with the provisions of this Agreement regarding the duration of the use of the facilities, the responsibility for and financing of the construction, installation and equipping of the facilities, the responsibility for and financing of the disposal of or the

removal of infrastructure and remediation work in the event a facility becomes surplus to requirements, and other details relating to the establishment or operation of the facilities.

4. Article 8 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

(1) In accordance with the "Convention between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income done at Sydney on August 6, 1982" and the domestic laws of Australia, United States personnel sent to Australia by the United States cooperating agency for the purposes of activities under this Agreement shall be free from Australian income tax.

(2) For the purposes of the provision relating to taxation, "United States personnel" means nationals of the United States of America not ordinarily resident in Australia and who are employees of the United States Government or the cooperating agency. All other persons engaged or employed for the purposes of the activities under this Agreement shall be subject to applicable Australian taxation laws.

5. Article 9 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

(1) The Australian Government shall take the necessary steps to facilitate the admission into Australia of all equipment, materials, supplies and other property provided by or on behalf of the United States Government in connection with activities under this Agreement. Duties, taxes or like charges shall not be levied or shall be refunded on such property which is certified by the United States Government to be imported for use in such activities and which it is certified at the time of entry is or is intended to be the property of the United States Government.

(2) A refund of indirect Australian federal taxes shall be allowed in respect of equipment, materials, supplies and other property and services purchased in Australia which are certified as being for use in connection with the activities under this Agreement and which are not for resale, provided that such property shall become the property of the United States Government prior to use in Australia.

6. At the end of Article 10 of the Program Agreement add after the word "Agreement" the following:

“, including systems engineering design and development”

7. Article 11 of the Program Agreement shall be replaced in its entirety by the following:

Activities under this Agreement shall be carried out to the maximum extent practicable by Australian personnel, except to the extent otherwise arranged between the cooperating agencies.

8. Article 12 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

(1) The communications services of the Australian Government, its instrumentalities and domestic corporations shall be used, to the maximum extent practicable, for the purposes of the activities under this Agreement, in accordance with arrangements to be made between the cooperating agencies.

(2) The operation of radio transmitting and receiving equipment at the stations shall comply with the requirements of the relevant Australian authorities.

(3) The Australian Government shall take all reasonable steps to protect the radio transmit and receiving facilities of the stations from harmful radio frequency interference.

9. Article 13 of the Program Agreement shall be replaced in its entirety by the following paragraphs:

(1) The program of cooperation set forth in this Agreement shall, subject to the availability of appropriated funds, remain in force until February 26, 2010, and may be further extended by agreement of the two Governments.

(2) Either Government may terminate the Agreement by giving written notice of termination through the diplomatic channel after consultations between the Governments have occurred. Such termination shall take effect one year after the date of written notice.

The Embassy has the further honor to propose that if the foregoing is acceptable to the Government of Australia, then this Note and the Government of Australia's confirmatory Note in reply shall constitute an Agreement between the Government of the United States of America and the Government of Australia to amend the Program Agreement of May 29, 1980, concerning space vehicle tracking and communication facilities. The Agreement shall enter into force with retroactive effect

from February 26, 2000, when the Government of Australia advises, via the diplomatic channel, that it has completed the domestic processes necessary to give effect to this Agreement. Upon the entry into force of the Agreement it shall further amend and extend the Program Agreement dated May 29, 1980, as amended by the Exchange of Notes of July 21, 1981, and amended and extended by the Exchange of Notes of January 17, 1990 and May 2, 1990. "

The Department has the honour to confirm that the Embassy's proposals are acceptable to the Australian Government. Accordingly, the Embassy's Note and this Note in reply shall together constitute an Agreement between the Government of Australia and the Government of the United States to amend the Program Agreement of 29 May 1980, concerning space vehicle tracking and communication facilities. The Agreement shall enter into force with retroactive effect from 26 February 2000, when the Government of Australia advises, via the diplomatic channel, that it has completed the domestic processes necessary to give effect to this Agreement.

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



CANBERRA

4 August 2000

No. 10-026

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and refers to the cooperative program facilitating space flight operations implemented in accordance with the *Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities* ("the Agreement"), effected by exchange of notes at Canberra May 29, 1980, as amended.

In view of the mutual benefits to be derived from this cooperative program, the Embassy, on behalf of the Government of the United States of America, proposes that the Agreement be amended as follows:

1. In paragraph 1 of Article 2 of the Agreement, the list of facilities shall be replaced by the following:
 - a) Canberra Deep Space Communication Complex, Tidbinbilla, Australian Capital Territory;
 - b) Tracking and Data Relay Satellite System, Alice Springs, Northern Territory;
 - c) Tracking and Data Relay Satellite Facility, Dongara, Western Australia;

DIPLOMATIC NOTE

2. Paragraph 1 of Article 13 of the Agreement shall be replaced by the following:

- (1) This Agreement shall remain in force until February 26, 2012, or until a further agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities is concluded and enters into force, whichever occurs first. The present Agreement may be further extended by the agreement of the two Governments.

The Embassy further proposes that if the foregoing is acceptable to the Government of Australia, then this note and the Government of Australia's affirmative note in reply shall constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement concerning Space Vehicle Tracking and Communications Facilities of 29 May 1980, as amended, which shall enter into force, with effect from February 26, 2010, on the date the Government of Australia notifies the Government of the United States of America by diplomatic note that it has completed the domestic processes necessary for this purpose.

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

Embassy of the United States of America,

Canberra, February 25, 2010





N° 10/046

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 10-026 of 25 February 2010, which reads as follows:

“The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and refers to the cooperative program facilitating space flight operations implemented in accordance with the *Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities* (“the Agreement”), effected by exchange of notes at Canberra May 29, 1980, as amended.

In view of the mutual benefits to be derived from this cooperative program, the Embassy, on behalf of the Government of the United States of America, proposes that the Agreement be amended as follows:

1. In paragraph 1 of Article 2 of the Agreement, the list of facilities shall be replaced by the following:
 - a) Canberra Deep Space Communication Complex, Tidbinbilla, Australian Capital Territory;
 - b) Tracking and Data Relay Satellite System, Alice Springs, Northern Territory;
 - c) Tracking and Data Relay Satellite Facility, Dongara, Western Australia;

2. Paragraph 1 of Article 13 of the Agreement shall be replaced by the following:

(1) This Agreement shall remain in force until February 26, 2012, or until a further agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities is concluded and enters into force, whichever occurs first. The present Agreement may be further extended by the agreement of the two Governments.

The Embassy further proposes that if the foregoing is acceptable to the Government of Australia, then this note and the Government of Australia's affirmative note in reply shall constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement concerning Space Vehicle Tracking and Communications Facilities of 29 May 1980, as amended, which shall enter into force, with effect from February 26, 2010, on the date the Government of Australia notifies the

Government of the United States of America by diplomatic note that it has completed the domestic processes necessary for this purpose.

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

The Department has the honour to confirm that the Embassy’s proposals are acceptable to the Australian Government. Accordingly the Embassy’s Note and this Note in reply shall together constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement concerning Space Vehicle Tracking and Communications Facilities of 29 May 1980, as amended.

This Agreement shall enter into force with effect from 26 February 2010, on the day the Government of Australia notifies the Government of the United States of America, by diplomatic note, that it has completed the domestic processes necessary for this purpose.

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

CANBERRA



25 February 2010

No. 11-145

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and refers to the cooperative program facilitating space flight operations implemented in accordance with the Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities ("the Agreement"), effected by exchange of notes at Canberra May 29, 1980, as amended.

In view of the mutual benefits to be derived from this cooperative program, the Embassy, on behalf of the Government of the United States of America, proposes that the Agreement be amended as follows:

Paragraph 1 of Article 13 of the Agreement shall be replaced with the following:

- (1) This Agreement shall remain in force until February 26, 2014, or until a further agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities is concluded and enters into force, whichever occurs first. The present Agreement may be further extended by the agreement of the two Governments.

DIPLOMATIC NOTE

The Embassy further proposes that if the foregoing is acceptable to the Government of Australia, then this note and the Government of Australia's affirmative note in reply shall constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement, which shall enter into force on the date of the notification by the Government of Australia to the Government of the United States of America by diplomatic note that it has completed the domestic processes necessary for this purpose, with effect from February 26, 2012.

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

Embassy of the United States of America,

Canberra, August 19, 2011.





N° 12/009

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 11-145 of 19 August 2011, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and refers to the cooperative program facilitating space flight operations implemented in accordance with the Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities ("the Agreement"), effected by exchange of notes at Canberra May 29, 1980, as amended.

In view of the mutual benefits to be derived from this cooperative program, the Embassy, on behalf of the Government of the United States of America, proposes that the Agreement be amended as follows:

Paragraph 1 of Article 13 of the Agreement shall be replaced with the following:

- (1) This Agreement shall remain in force until February 26, 2014, or until a further agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities is concluded and enters into force, whichever occurs first. The present Agreement may be further extended by the agreement of the two Governments.

The Embassy further proposes that if the foregoing is acceptable to the Government of Australia, then this note and the Government of Australia's affirmative note in reply shall constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement, which shall enter into force on the date of the notification by the Government of Australia to the Government of the United States of America by diplomatic note that it has completed the domestic processes necessary for this purpose, with effect from February 26, 2012."

The Department has the honour to confirm that the Embassy's proposals are acceptable to the Australian Government. Accordingly the Embassy's Note and this Note in reply shall together constitute an agreement between the

Government of the United States of America and the Government of Australia to extend the Agreement.

This Agreement shall enter into force on the date the Government of Australia notifies the Government of the United States of America, by diplomatic note, that it has completed the domestic processes necessary for this purpose, with effect from 26 February 2012.

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



CANBERRA
11 January 2012

No. 13-212

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and refers to the cooperative program facilitating space flight operations implemented in accordance with the Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities (“the Agreement”), effected by exchange of notes at Canberra May 29, 1980, as amended.

In view of the mutual benefits to be derived from this cooperative program, the Embassy, on behalf of the Government of the United States of America, proposes that the Agreement be amended as follows:

Paragraph 1 of Article 13 of the Agreement shall be replaced with the following:

(1) This Agreement shall remain in force until February 26, 2018, or until a further agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities is concluded and enters into force, whichever occurs first. The present Agreement may be further extended by the agreement of the two Governments.

DIPLOMATIC NOTE

The Embassy further proposes that if the foregoing is acceptable to the Government of Australia, then this note and the Government of Australia's affirmative note in reply shall constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement, which shall enter into force on the date of the notification by the Government of Australia to the Government of the United States of America by diplomatic note that it has completed the domestic processes necessary for this purpose, with effect from February 26, 2014.

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

Embassy of the United States of America,
Canberra, November 18, 2013.





N° 13/228

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 13-212 of 18 November 2013, which reads as follows:

“The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and Trade and refers to the cooperative program facilitating space flight operations implemented in accordance with the *Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communications Facilities* (“the Agreement”), effected by exchange of notes at Canberra May 29, 1980, as amended.

In view of the mutual benefits to be derived from this cooperative program, the Embassy, on behalf of the Government of the United States of America, proposes that the Agreement be amended as follows:

Paragraph 1 of Article 13 of the Agreement shall be replaced with the following:

- (1) This Agreement shall remain in force until February 26, 2018, or until a further agreement between the Government of the United States of America and the Government of Australia concerning space vehicle tracking and communication facilities is concluded and enters into force, whichever occurs first. The present Agreement may be further extended by the agreement of the two Governments.

The Embassy further proposes that if the foregoing is acceptable to the Government of Australia, then this note and the Government of Australia's affirmative note in reply shall constitute an agreement between the Government of the United States of America and the Government of Australia to amend the Agreement, which shall enter into force on the date of the notification by the Government of Australia to the Government of the United States of America by diplomatic note that it has completed the domestic processes necessary for this purpose, with effect from February 26, 2014.

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

The Department has the honour to confirm that the Embassy's proposals are acceptable to the Australian Government. Accordingly the Embassy's Note and this Note in reply shall together constitute an agreement between the Government of the United States of America and the Government of Australia to extend the Agreement.

This Agreement shall enter into force on the date the Government of Australia notifies the Government of the United States of America, by diplomatic note, that it has completed the domestic processes necessary for this purpose, with effect from 26 February 2014.

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



CANBERRA
21 November 2013