

2016-2017-2018

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*As passed by both Houses*

**Space Activities Amendment (Launches  
and Returns) Bill 2018**

**No.     , 2018**

**A Bill for an Act to amend the *Space Activities Act  
1998*, and for related purposes**



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1     **A Bill for an Act to amend the *Space Activities Act***  
2     ***1998, and for related purposes***

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act is the *Space Activities Amendment (Launches and*  
6                     *Returns) Act 2018*.

7     **2 Commencement**

8                     (1) Each provision of this Act specified in column 1 of the table  
9                     commences, or is taken to have commenced, in accordance with  
10                    column 2 of the table. Any other statement in column 2 has effect  
11                    according to its terms.  
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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

1 Note: This table relates only to the provisions of this Act as originally  
2 enacted. It will not be amended to deal with any later amendments of  
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.  
5 Information may be inserted in this column, or information in it  
6 may be edited, in any published version of this Act.

### 7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or  
9 repealed as set out in the applicable items in the Schedule  
10 concerned, and any other item in a Schedule to this Act has effect  
11 according to its terms.

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## Schedule 1—Main amendments

### *Space Activities Act 1998*

#### **1 Title**

After “space activities”, insert “and high power rockets”.

#### **2 Before section 1**

Insert:

### **Division 1—Preliminary provisions**

#### **3 Section 1**

Omit “*Space Activities Act 1998*”, substitute “*Space (Launches and Returns) Act 2018*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

#### **4 Paragraph 3(b)**

Repeal the paragraph, substitute:

- (aa) to establish a system for the regulation of the launch of high power rockets in Australia; and
- (b) to ensure that a reasonable balance is achieved between:
  - (i) the removal of barriers to participation in space activities and the encouragement of innovation and entrepreneurship in the space industry; and
  - (ii) the safety of space activities, and the risk of damage to persons or property as a result of space activities, regulated by this Act; and

#### **5 Paragraph 3(c)**

Omit “Treaties; and”, substitute “Treaties.”.

#### **6 Paragraph 3(d)**

Repeal the paragraph.

1 **7 Section 4**

2 Repeal the section, substitute:

3 **4 Simplified outline of this Act**

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- Persons carrying on various space activities or launches of high power rockets in Australia must have the activities or launches approved.
  - Australian nationals carrying on various space activities outside Australia must have the activities approved.
  - There are provisions about liability for damage caused by space objects or high power rockets.
  - There is a Register of Space Objects that is publicly available on the Department's website. The register includes details for certain space objects launched under an Australian launch permit, overseas payload permit or authorisation certificate.
  - Investigators can investigate accidents or incidents involving:
    - (a) a space object launched from a launch facility in Australia or from an aircraft that is in the airspace over Australian territory; or
    - (b) a space object returned to a place or area in Australia; or
    - (c) a high power rocket launched from a facility or place in Australia.
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22 **8 After section 6**

23 Insert:

24 **6A Extraterritorial operation**

- 25 (1) This Act applies both within and outside Australia.
- 26 (2) Section 14.1 of the *Criminal Code* does not apply to an offence
- 27 against this Act.



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**9 Part 2 (heading)**

Repeal the heading, substitute:

**Division 2—Definitions****10 Section 8**

Insert:

*aircraft* means any machine or craft that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface.

**11 Section 8 (definition of *approved scientific or educational organisation*)**

Repeal the definition.

**12 Section 8**

Insert:

*Astronauts and Objects Agreement* means the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, done at London, Moscow and Washington on 22 April 1968, as amended and in force for Australia from time to time.

Note: The Agreement is in Australian Treaty Series 1986 No. 8 ([1986] ATS 8) and could in 2018 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

*Australian aircraft* means an aircraft registered in Australia.

*Australian high power rocket permit* means a permit granted under section 38.

*Australian launch permit* means a permit granted under section 28.

**13 Section 8 (after paragraph (a) of the definition of *Australian national*)**

Insert:

(aa) an Australian resident; or

1 **14 Section 8**

2 Insert:

3 *Australian resident* means an individual who resides in Australia  
4 and is the holder (within the meaning of the *Migration Act 1958*) of  
5 a permanent visa (within the meaning of that Act).

6 *Australian territory* means the following:

- 7 (a) the territory of Australia and of each external Territory;  
8 (b) the territorial sea of Australia;  
9 (c) the waters of the sea on the landward side of the territorial  
10 sea of Australia, but not within the limits of a State or  
11 internal Territory;  
12 (d) the territorial sea of each external Territory;  
13 (e) the waters of the sea on the landward side of the territorial  
14 sea of each external Territory, but not within the limits of the  
15 external Territory.

16 *authorisation certificate* means a certificate issued under  
17 section 46U.

18 *Chicago Convention* means:

- 19 (a) the Convention on International Civil Aviation done at  
20 Chicago on 7 December 1944, whose English text is set out  
21 in Schedule 1 to the *Air Navigation Act 1920*; and  
22 (b) the Protocols amending that Convention that are referred to  
23 in subsection 3A(2) of that Act, whose English texts are set  
24 out in Schedules to that Act; and  
25 (c) the Annexes to that Convention that relate to international  
26 standards and recommended practices and that are adopted in  
27 accordance with that Convention.

28 **15 Section 8 (definition of *civil penalty provision*)**

29 Repeal the definition, substitute:

30 *civil penalty provision* has the same meaning as in the Regulatory  
31 Powers Act.

32 **16 Section 8 (definition of *damage*)**

33 Repeal the definition, substitute:

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1                    *damage:*

2                    (a) in relation to a space object—has the same meaning as in the  
3                    Liability Convention; and

4                    (b) in relation to a high power rocket—means loss of life,  
5                    personal injury or other impairment of health or loss of or  
6                    damage to property of persons.

7                    **17 Section 8 (definition of exemption certificate)**

8                    Repeal the definition.

9                    **18 Section 8**

10                  Insert:

11                    *Federal Circuit Court* means the Federal Circuit Court of  
12                    Australia.

13                    *Federal Court* means the Federal Court of Australia.

14                    *foreign aircraft* means an aircraft that is not an Australian aircraft.

15                  **19 Section 8 (definition of gross negligence)**

16                  Omit “regulations” (wherever occurring), substitute “rules”.

17                  **20 Section 8**

18                  Insert:

19                    *high power rocket* means an object of a kind prescribed by the  
20                    rules for the purposes of this definition.

21                  **21 Section 8 (definition of insured amount)**

22                  Omit “a launch permit, overseas launch certificate or section 43  
23                  authorisation”, substitute “an Australian launch permit, Australian high  
24                  power rocket permit, overseas payload permit or return authorisation”.

25                  **22 Section 8 (definition of insured amount)**

26                  Omit “, certificate” (wherever occurring).

27                  **23 Section 8 (definition of intergovernmental agreement with  
28                  Russia)**

29                  Repeal the definition.

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1 **24 Section 8 (definition of *launch*)**

2 Repeal the definition, substitute:

3 ***launch*:**

- 4 (a) a space object, means launch the whole or a part of the object  
5 into an area beyond the distance of 100 km above mean sea  
6 level, or attempt to do so; or  
7 (b) a high power rocket, means launch the rocket into an area  
8 that is not beyond the distance of 100 km above mean sea  
9 level, or attempt to do so.

10 **25 Section 8**

11 Insert:

12 ***launch facility licence*** means a licence granted under section 18.

13 ***launch party***, for the launch of a high power rocket, means:

- 14 (a) in the case of a launch authorised by an Australian high  
15 power rocket permit—the holder of the permit; or  
16 (b) in the case of a launch that:  
17 (i) is not authorised as mentioned in paragraph (a); but  
18 (ii) is covered by an authorisation certificate;  
19 the holder of the authorisation certificate; or  
20 (c) in any other case—each of the following persons:  
21 (i) the person or persons who carried out the launch of the  
22 high power rocket;  
23 (ii) any other person specified in the rules made for the  
24 purposes of this definition.

25 **26 Section 8 (definition of *launch permit*)**

26 Repeal the definition.

27 **27 Section 8 (definition of *Launch Safety Officer*)**

28 Repeal the definition, substitute:

29 ***Launch Safety Officer*** means:

- 30 (a) for a launch of a space object covered by an Australian  
31 launch permit—the person appointed under section 50 for the  
32 launch; or

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1 (b) for a return to a place or area in Australia of a space object  
2 covered by an Australian launch permit or a return  
3 authorisation—the person appointed under section 50 for the  
4 return.

5 **28 Section 8 (definition of *launch vehicle*)**

6 Repeal the definition.

7 **29 Section 8 (definition of *Liability Convention*)**

8 Repeal the definition, substitute:

9 *Liability Convention* means the Convention on International  
10 Liability for Damage Caused by Space Objects, done at London,  
11 Moscow and Washington on 29 March 1972, as amended and in  
12 force for Australia from time to time.

13 Note: The Convention is in Australian Treaty Series 1975 No. 5 ([1975]  
14 ATS 5) and could in 2018 be viewed in the Australian Treaties  
15 Library on the AustLII website (<http://www.austlii.edu.au>).

16 **30 Section 8 (paragraphs (a) and (b) of the definition of**  
17 ***liability period*)**

18 Omit “regulations”, substitute “rules”.

19 **31 Section 8 (at the end of the definition of *liability period*)**

20 Add:

21 ; and (c) for the launch of a high power rocket—the period of 30 days  
22 beginning when the launch takes place, or such other period  
23 as is specified in the rules.

24 **32 Section 8 (definition of *licensed launch facility*)**

25 Omit “space licence: see section 18”, substitute “launch facility  
26 licence”.

27 **33 Section 8**

28 Insert:

29 *Moon and other Celestial Bodies Agreement* means the  
30 Agreement Governing the Activities of States on the Moon and  
31 other Celestial Bodies, done at New York on 18 December 1979,  
32 as amended and in force for Australia from time to time.

1 Note: The Agreement is in Australian Treaty Series 1986 No. 14 ([1986]  
2 ATS 14) and could in 2018 be viewed in the Australian Treaties  
3 Library on the AustLII website (<http://www.austlii.edu.au>).

4 ***Outer Space Treaty*** means the Treaty on Principles Governing the  
5 Activities of States in the Exploration and Use of Outer Space,  
6 including the Moon and other Celestial Bodies, done at London,  
7 Moscow and Washington on 27 January 1967, as amended and in  
8 force for Australia from time to time.

9 Note: The Treaty is in Australian Treaty Series 1967 No. 24 ([1967] ATS  
10 24) and could in 2018 be viewed in the Australian Treaties Library on  
11 the AustLII website (<http://www.austlii.edu.au>).

12 **34 Section 8 (definition of *overseas launch certificate*)**

13 Repeal the definition.

14 **35 Section 8**

15 Insert:

16 ***overseas payload permit*** means a permit granted under  
17 section 46B.

18 **36 Section 8 (definition of *payload*)**

19 Repeal the definition.

20 **37 Section 8 (definition of *Registration Convention*)**

21 Repeal the definition, substitute:

22 ***Registration Convention*** means the Convention on Registration of  
23 Objects Launched into Outer Space, done at New York on  
24 14 January 1975, as amended and in force for Australia from time  
25 to time.

26 Note: The Convention is in Australian Treaty Series 1986 No. 5 ([1986]  
27 ATS 5) and could in 2018 be viewed in the Australian Treaties  
28 Library on the AustLII website (<http://www.austlii.edu.au>).

29 **38 Section 8**

30 Insert:

31 ***Regulatory Powers Act*** means the *Regulatory Powers (Standard*  
32 *Provisions) Act 2014*.

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1 **39 Section 8 (paragraph (a) of the definition of *responsible***  
2 ***party*)**

3 Omit “a launch permit”, substitute “an Australian launch permit”.

4 **40 Section 8 (paragraph (b) of the definition of *responsible***  
5 ***party*)**

6 Omit “a permission under subsection 43(1)—the holder of the  
7 permission”, substitute “a return authorisation—the holder of the  
8 authorisation”.

9 **41 Section 8 (paragraph (c) of the definition of *responsible***  
10 ***party*)**

11 Repeal the paragraph.

12 **42 Section 8 (subparagraph (d)(i) of the definition of**  
13 ***responsible party*)**

14 Omit “, (b) or (c)”, substitute “or (b)”.

15 **43 Section 8 (subparagraph (d)(ii) of the definition of**  
16 ***responsible party*)**

17 Omit “exemption certificate (see section 46)”, substitute “authorisation  
18 certificate”.

19 **44 Section 8 (paragraph (d) of the definition of *responsible***  
20 ***party*)**

21 Omit “the exemption certificate”, substitute “the authorisation  
22 certificate”.

23 **45 Section 8 (paragraph (e) of the definition of *responsible***  
24 ***party*)**

25 Omit “overseas launch certificate—the holder of the certificate”,  
26 substitute “overseas payload permit—the holder of the permit”.

27 **46 Section 8 (subparagraph (f)(iii) of the definition of**  
28 ***responsible party*)**

29 Omit “regulations”, substitute “the rules”.

1 **47 Section 8 (definition of *responsible party*)**

2 Omit “But, in relation to a launch to which paragraph (f) applies, if the  
3 space object was launched from a launch facility outside Australia,”,  
4 substitute “But, in relation to a launch or return to which paragraph (f)  
5 applies, if the space object was launched from a facility (whether fixed  
6 or mobile), or place, outside Australia, or if the space object was  
7 returned to a place or area outside Australia.”.

8 **48 Section 8**

9 Insert:

10 *return authorisation* means an authorisation given under  
11 section 46L.

12 *rules* means the rules made by the Minister under section 110.

13 **49 Section 8 (definition of *space licence*)**

14 Repeal the definition.

15 **50 Subsection 8(1) (definition of *space object*)**

16 Repeal the definition, substitute:

17 *space object* means:

- 18 (a) an object the whole or a part of which is to go into or come  
19 back from an area beyond the distance of 100 km above  
20 mean sea level; or  
21 (b) any part of such an object, even if the part is to go only some  
22 of the way towards or back from an area beyond the distance  
23 of 100 km above mean sea level.

24 **51 Section 8 (definition of *standard launch permit condition*)**

25 Repeal the definition.

26 **52 Section 8 (definition of *third party*)**

27 Repeal the definition, substitute:

28 *third party*:

- 29 (a) for the launch or return of a space object—means a person  
30 who is not a responsible party for the launch or return and



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1 who is not a related party (see section 9) of any responsible  
2 party for the launch or return; and

3 (b) for the launch of a high power rocket—means a person who  
4 is not a launch party for the launch and who is not a related  
5 party (see section 9) of any launch party for the launch.

6 **53 Section 8 (paragraphs (c), (d) and (e) of the definition of**  
7 ***UN space treaties*)**

8 Repeal the paragraphs, substitute:

9 (c) the Outer Space Treaty;

10 (d) the Moon and other Celestial Bodies Agreement;

11 (e) the Astronauts and Objects Agreement.

12 **54 Sections 8A to 8C**

13 Repeal the sections.

14 **55 After subsection 9(1)**

15 Insert:

16 (1A) A person (the *first person*) is a *related party* of a launch party for  
17 the launch of a high power rocket if:

18 (a) the first person has a financial or ownership interest in all or  
19 part of the high power rocket; or

20 (b) the first person was involved in preparing all or part of the  
21 high power rocket for the launch; or

22 (c) the first person is a contractor, subcontractor or supplier  
23 involved in the launch or the preparation of all or part of the  
24 high power rocket for the launch; or

25 (d) the first person is a director, officer, employee or agent of the  
26 launch party.

27 **56 Subsection 9(2)**

28 Omit “regulations”, substitute “rules”.

29 **57 At the end of subsection 9(2)**

30 Add “or a launch party”.

31 **58 Part 3 (heading)**

32 Repeal the heading, substitute:

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1 **Part 3—Regulation of space activities and high**  
2 **power rockets**

3 **59 Section 10**

4 Repeal the section, substitute:

5 **Division 1A—Simplified outline of this Part**

6 **10 Simplified outline of this Part**

- 7
- 8
- The operation of a launch facility in Australia requires a launch facility licence.
  - A launch of a space object from a launch facility in Australia, from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory requires an Australian launch permit or an authorisation certificate.
  - A launch of a high power rocket from a facility or place in Australia requires an Australian high power rocket permit or an authorisation certificate.
  - A launch of a space object from a facility or place outside Australia by an Australian national requires an overseas payload permit or an authorisation certificate.
  - A return of a space object to a place or area in Australia requires an Australian launch permit, a return authorisation or an authorisation certificate.
  - A return of a space object to a place or area outside Australia by an Australian national requires a return authorisation or an authorisation certificate.
  - The Minister may take into account the security, defence or international relations of Australia in deciding whether to grant a licence, permit or authorisation under this Part.
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|--|
| <ul style="list-style-type: none"> <li>• The Minister is to appoint a Launch Safety Officer for certain space activities.</li> </ul> |
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3 **60 Division 1 of Part 3 (heading)**

4 Repeal the heading, substitute:

5 **Division 1—Offences and civil penalties**

6 **61 Sections 11 to 15**

7 Repeal the sections, substitute:

8 **11 Launch facility licence required to operate a launch facility in**  
9 **Australia**

10 A person must not operate a launch facility in Australia, or do  
11 anything directly connected with operating a launch facility in  
12 Australia, unless:

- 13 (a) the person holds a launch facility licence for the launch  
14 facility; or  
15 (b) the person is a related party, for any launches conducted from  
16 the facility, of a person who holds such a licence; or  
17 (c) the person is acting as an employee, contractor or agent of a  
18 person who holds such a licence; or  
19 (d) an authorisation certificate covering the operation of the  
20 facility, or the things connected with the operation, is held by  
21 any person.

22 Civil penalty: 1,000 penalty units.

23 **12 Launch of space object from Australian launch facility,**  
24 **Australian aircraft or foreign aircraft in airspace over**  
25 **Australian territory**

26 A person commits an offence if:

- 27 (a) the person:  
28 (i) launches a space object from a launch facility in  
29 Australia; or  
30 (ii) launches a space object from an Australian aircraft that  
31 is in flight; or
-

- 1 (iii) launches a space object from a foreign aircraft that is in  
2 the airspace over Australian territory; and  
3 (b) the launch is not authorised by an Australian launch permit  
4 held by any person; and  
5 (c) no authorisation certificate covering the launch is held by any  
6 person.

7 Penalty:

- 8 (a) for an individual—imprisonment for 10 years or 5,500  
9 penalty units, or both; or  
10 (b) for a body corporate—100,000 penalty units.

### 11 **13 Launch of high power rocket from Australia**

12 A person commits an offence if:

- 13 (a) the person launches a high power rocket from a facility  
14 (whether fixed or mobile), or place, in Australia; and  
15 (b) the launch is not authorised by an Australian high power  
16 rocket permit held by any person; and  
17 (c) no authorisation certificate covering the launch is held by any  
18 person.

19 Penalty:

- 20 (a) for an individual—imprisonment for 10 years or 5,500  
21 penalty units, or both; or  
22 (b) for a body corporate—100,000 penalty units.

### 23 **14 Launch of space object from outside Australia**

24 A person commits an offence if:

- 25 (a) a space object is launched from a facility (whether fixed or  
26 mobile), or place, outside Australia; and  
27 (b) the person is a responsible party for the launch; and  
28 (c) the launch is not authorised by an overseas payload permit  
29 held by any person; and  
30 (d) no authorisation certificate covering the launch is held by any  
31 person.

32 Note: In this context, the effect of the definition of *responsible party* in  
33 section 8 is that the person is a responsible party only if the person is  
34 also an Australian national.

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1 Penalty:

- 2 (a) for an individual—imprisonment for 10 years or 5,500  
3 penalty units, or both; or  
4 (b) for a body corporate—100,000 penalty units.

## 5 **15 Return of space object to Australia**

6 A person commits an offence if:

- 7 (a) the person returns a space object to a place or area in  
8 Australia; and  
9 (b) the return of the object to that place or area is not authorised  
10 by an Australian launch permit held by any person; and  
11 (c) the return of the object to that place or area is not authorised  
12 by a return authorisation held by any person; and  
13 (d) no authorisation certificate covering the return is held by any  
14 person.

15 Penalty:

- 16 (a) for an individual—imprisonment for 10 years or 5,500  
17 penalty units, or both; or  
18 (b) for a body corporate—100,000 penalty units.

## 19 **15A Return of space object outside Australia**

20 A person commits an offence if:

- 21 (a) a space object is returned to a place or area outside Australia;  
22 and  
23 (b) the person is a responsible party for the return; and  
24 (c) the return of the object to that place or area is not authorised  
25 by a return authorisation held by any person; and  
26 (d) no authorisation certificate covering the return is held by any  
27 person.

28 Note: In this context, the effect of the definition of *responsible party* in  
29 section 8 is that the person is a responsible party only if the person is  
30 also an Australian national.

31 Penalty:

- 32 (a) for an individual—imprisonment for 10 years or 5,500  
33 penalty units, or both; or  
34 (b) for a body corporate—100,000 penalty units.
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1 **62 Section 16 (example)**

2 Omit “space licence or launch permit”, substitute “launch facility  
3 licence or Australian launch permit”.

4 **63 Divisions 2 to 6 of Part 3**

5 Repeal the Divisions, substitute:

6 **Division 2—Launch facility licences**

7 **18 Granting a launch facility licence**

8 The Minister may grant to a person a launch facility licence  
9 covering a particular launch facility in Australia if:

- 10 (a) the Minister is satisfied that the person is competent to  
11 operate the launch facility; and  
12 (b) the Minister is satisfied that all necessary environmental  
13 approvals under Australian law have been obtained, and that  
14 an adequate environmental plan has been made, for the  
15 construction and operation of the launch facility; and  
16 (c) the Minister is satisfied that the person has sufficient funding  
17 to construct and operate the launch facility; and  
18 (d) the Minister is satisfied that the probability of the  
19 construction and operation of the launch facility causing  
20 substantial harm to public health or public safety or causing  
21 substantial damage to property is as low as is reasonably  
22 practicable; and  
23 (e) the Minister does not consider that, for reasons relevant to the  
24 security, defence or international relations of Australia, the  
25 launch facility licence should not be granted; and  
26 (f) the criteria (if any) prescribed by the rules are satisfied in  
27 relation to the launch facility.

28 **19 Terms of launch facility licence**

29 A launch facility licence:

- 30 (a) must specify the day on which it comes into force; and  
31 (b) remains in force for the period specified in the licence, which  
32 must be no longer than 20 years; and

- 1 (c) is granted subject to the conditions in section 20 and any  
2 other conditions specified in the licence.

### 3 **20 Standard launch facility licence conditions**

4 The following are conditions of each launch facility licence  
5 granted to a person, except to the extent that the licence otherwise  
6 specifies:

- 7 (a) the holder of the licence must give the Minister any  
8 information that the Minister asks for under section 60 about  
9 the licence;  
10 (b) any other condition prescribed by the rules for the purposes  
11 of this paragraph.

### 12 **21 Breaching a launch facility licence condition**

13 The holder of a launch facility licence must not contravene a  
14 condition of the licence.

15 Civil penalty: 1,000 penalty units.

### 16 **22 Transfer of launch facility licence**

- 17 (1) The Minister may, by written notice, transfer a launch facility  
18 licence to another person if the Minister could grant the licence to  
19 the other person under section 18.

20 Note: See section 25 for the procedure for transferring a launch facility  
21 licence.

- 22 (2) The transfer takes effect at the time specified in the notice.
- 23 (3) The Minister must give a copy of the notice to:  
24 (a) the holder of the licence immediately before the transfer; and  
25 (b) the other person.
- 26 (4) The licence continues to cover the same launch facility.
- 27 (5) The licence is subject to the same conditions as those in force  
28 immediately before the transfer (unless the Minister varies the  
29 conditions).
- 30 (6) The period for which the licence remains in force continues to run  
31 despite the transfer.

1 **23 Varying or revoking a launch facility licence**

2 (1) The Minister may, in writing, vary or revoke a launch facility  
3 licence held by a person.

4 Note: See section 25 for the procedure for varying or revoking a launch  
5 facility licence.

6 (2) The Minister must give notice of the variation or revocation to the  
7 person. The notice must specify the day the variation or revocation  
8 takes effect.

9 **24 Applying for the grant, variation or transfer of a launch facility**  
10 **licence**

11 (1) An application for the grant, variation or transfer of a launch  
12 facility licence must be made in accordance with the rules.

13 (2) Without limiting subsection (1), the rules may provide for the  
14 lodging of documents at times worked out in accordance with the  
15 rules.

16 **25 Procedure etc.**

17 (1) If the Minister considers that there may be grounds to vary, revoke  
18 or transfer a launch facility licence (other than at the licensee's  
19 request), the Minister must:

20 (a) give the licensee written notice of the Minister's opinion  
21 specifying the reasons for that opinion; and

22 (b) invite the licensee to make a written submission to the  
23 Minister about the matter within a reasonable period  
24 specified in the notice.

25 (2) In deciding whether to vary, revoke or transfer a launch facility  
26 licence, the Minister must consider the matters raised in any  
27 submission received within the period specified in the notice.

28 (3) The Minister must not vary a launch facility licence in a way that  
29 changes the location of the licensed launch facility.

30 (4) The rules may prescribe other ways in which the Minister must not  
31 vary a launch facility licence.



---

**26 Suspending a launch facility licence**

- 1
- 2 (1) The Minister may, in writing, suspend a launch facility licence if:
- 3 (a) the holder of the licence contravenes a condition of the
- 4 licence; or
- 5 (b) the Minister considers that, for reasons relevant to the
- 6 security, defence or international relations of Australia, the
- 7 licence should be suspended.
- 8 (2) The Minister must give notice of the suspension to the holder of
- 9 the licence. The notice must specify the day the suspension takes
- 10 effect.
- 11 (3) A launch facility licence has no effect while suspended, but the
- 12 period for which it remains in force continues to run despite the
- 13 suspension.
- 14 (4) The Minister may, in writing, revoke a suspension under
- 15 subsection (1).
- 16 (5) The Minister must give notice of the revocation to the holder of the
- 17 licence. The notice must specify the day the revocation takes
- 18 effect.
- 19 (6) The Minister may vary or revoke a launch facility licence even
- 20 while it is suspended.

**27 Basis on which launch facility licence is granted**

- 21
- 22 A launch facility licence is granted on the basis that:
- 23 (a) the licence may be transferred under section 22; and
- 24 (b) the licence may be revoked under section 23; and
- 25 (c) the licence may be varied under section 23; and
- 26 (d) the licence may be suspended under section 26; and
- 27 (e) the licence may be transferred, revoked, varied or suspended
- 28 by or under later legislation; and
- 29 (f) no compensation is payable if the licence is transferred,
- 30 revoked, varied or suspended as mentioned in any of the
- 31 above paragraphs.

1 **Division 3—Australian launch permits**

2 **28 Granting an Australian launch permit**

3 (1) The Minister may grant to a person an Australian launch permit  
4 authorising:

5 (a) the launch of one or more space objects; or

6 (b) a particular series of launches of space objects that, in the  
7 Minister's opinion, having regard to the nature of any  
8 payloads to be carried, may appropriately be authorised by a  
9 single Australian launch permit;

10 from a specified launch facility in Australia, a specified Australian  
11 aircraft that is in flight or a specified foreign aircraft that is in the  
12 airspace over Australian territory.

13 (2) The Australian launch permit may also authorise one or more space  
14 objects to be returned, in connection with the launch or launches,  
15 to a specified place or area in Australia.

16 Note: A returning space object need not be the same as the space object  
17 launched. For example, a launch vehicle could carry a payload into an  
18 area beyond the distance of 100 km above mean sea level and return  
19 without it, or even collect a different payload from an area beyond the  
20 distance of 100 km above mean sea level and return that to Earth.

21 (3) The Minister may grant the Australian launch permit to the person  
22 only if all of the following criteria are met:

23 (a) the Minister is satisfied that the person who is to carry out the  
24 launch or launches, and any connected return, is competent to  
25 do so;

26 (b) the Minister is satisfied that the insurance/financial  
27 requirements in Division 7 will be satisfied for the launch or  
28 launches, and any connected return;

29 (c) the Minister is satisfied that the probability of the launch or  
30 launches, or any connected return, causing substantial harm  
31 to public health or public safety or causing substantial  
32 damage to property is as low as is reasonably practicable;

33 (d) the space object or objects concerned are not and do not  
34 contain a nuclear weapon or a weapon of mass destruction of  
35 any other kind;

- 
- 1 (e) the Minister does not consider that, for reasons relevant to the  
2 security, defence or international relations of Australia, the  
3 permit should not be granted;
- 4 (f) any other criteria prescribed by the rules for the purposes of  
5 this paragraph.
- 6 (4) If a foreign country is also a launching State for the space object or  
7 any of the space objects, the Minister may, in deciding whether to  
8 grant the Australian launch permit, have regard to:
- 9 (a) whether there is an agreement between Australia and that  
10 foreign country under which that foreign country assumes  
11 any liability, and indemnifies Australia, for any damage that  
12 the space object or objects may cause; and  
13 (b) the terms of that agreement.
- 14 (5) Subsections (3) and (4) do not limit the matters to which the  
15 Minister may have regard.

## 16 **29 Terms of Australian launch permit**

- 17 (1) An Australian launch permit authorising the launch of a space  
18 object or objects, and any connected return:
- 19 (a) must specify the day on which the permit comes into force  
20 and the period for which it remains in force; and  
21 (b) is granted subject to the conditions in section 30 and any  
22 other conditions specified in the permit.
- 23 (2) An Australian launch permit may specify that the period for which  
24 it remains in force ends on the occurrence of a particular event  
25 (rather than at a specified time). For this purpose, the rules may set  
26 out how to determine when events of a particular kind occur.
- 27 Example: An Australian launch permit might specify that it expires when the  
28 relevant launch has been (successfully or unsuccessfully) completed.  
29 The rules could set out how to determine when this is.
- 30 (3) At any time when an Australian launch permit is in force, the  
31 Minister may, by written notice given to the holder of the permit,  
32 extend or further extend the period for which the permit remains in  
33 force.

1 **30 Standard Australian launch permit conditions**

2 The following are conditions of each Australian launch permit,  
3 except to the extent that the permit otherwise specifies:

- 4 (a) the launch or launches, and any connected return, must not be  
5 conducted in a way that is likely to cause substantial harm to  
6 public health or public safety or to cause substantial damage  
7 to property;
- 8 (b) the space object or objects must not be or contain a nuclear  
9 weapon or a weapon of mass destruction of any other kind;
- 10 (c) the space object or objects must not contain a nuclear power  
11 source unless the Minister's written approval has first been  
12 obtained;
- 13 (d) the holder of the permit must satisfy the insurance/financial  
14 requirements in Division 7 for each launch, and each return,  
15 conducted under the permit;
- 16 (e) any other conditions prescribed by the rules for the purposes  
17 of this paragraph.

18 **31 Breaching an Australian launch permit condition**

19 *Offence*

- 20 (1) A person commits an offence if:  
21 (a) the person is the holder of an Australian launch permit; and  
22 (b) the person does an act or omits to do an act; and  
23 (c) the act or omission contravenes a condition of the permit; and  
24 (d) the condition is a condition to which the permit is subject  
25 under paragraph 30(a), (b), (c) or (d).

26 *Penalty:*

- 27 (a) for an individual—imprisonment for 10 year or 5,500 penalty  
28 units, or both; or  
29 (b) for a body corporate—100,000 penalty units.

30 *Civil penalty*

- 31 (2) The holder of an Australian launch permit must not contravene a  
32 condition of the permit.

33 Civil penalty: 1,000 penalty units.

---

**32 Transfer of Australian launch permit**

- (1) The Minister may, by written notice, transfer an Australian launch permit to another person if the Minister could grant the permit to the other person under section 28.

Note: See section 35 for the procedure for transferring an Australian launch permit.

- (2) The transfer takes effect at the time specified in the notice.
- (3) The Minister must give a copy of the notice to:
- (a) the holder of the permit immediately before the transfer; and
  - (b) the other person.
- (4) The permit continues to cover the same launch facility, Australian aircraft or foreign aircraft and the same space object or objects.
- (5) The permit is subject to the same conditions as those in force immediately before the transfer (unless the Minister varies the conditions).
- (6) The period for which the permit remains in force continues to run despite the transfer.

**33 Varying or revoking an Australian launch permit**

- (1) The Minister may, in writing, vary or revoke an Australian launch permit held by a person.

Note: See section 35 for the procedure for varying or revoking an Australian launch permit.

- (2) The Minister must give notice of the variation or revocation to the person. The notice must specify the day the variation or revocation takes effect.

**34 Applying for the grant, variation or transfer of an Australian launch permit**

- (1) An application for the grant, variation or transfer of an Australian launch permit must be made in accordance with the rules.

1                                    *Debris mitigation strategy*

- 2                                    (2) Without limiting subsection (1), an application for the grant of an  
3                                    Australian launch permit must include a strategy for debris  
4                                    mitigation.
- 5                                    (3) The strategy must address the matters prescribed by the rules for  
6                                    the purposes of this subsection.
- 7                                    (4) Subsection (3) does not limit the matters that may be included in  
8                                    the strategy.

9                                    **35 Procedure etc.**

- 10                                   (1) If the Minister considers that there may be grounds to vary, revoke  
11                                   or transfer an Australian launch permit (other than at the permit  
12                                   holder's request), the Minister must:
- 13                                       (a) give the holder of the permit written notice of the Minister's  
14                                       opinion specifying the reasons for that opinion; and  
15                                       (b) invite the holder to make a written submission to the Minister  
16                                       about the matter within a reasonable period specified in the  
17                                       notice.
- 18                                   (2) In deciding whether to vary, revoke or transfer the permit, the  
19                                   Minister must consider the matters raised in any submission  
20                                   received within the period specified in the notice.
- 21                                   (3) If the permit relates to a launch facility in Australia, the Minister  
22                                   must not vary the permit in a way that changes the location of the  
23                                   launch facility.
- 24                                   (4) The rules may prescribe other ways in which the Minister must not  
25                                   vary an Australian launch permit.

26                                   **36 Suspending an Australian launch permit**

- 27                                   (1) The Minister may, in writing, suspend an Australian launch permit  
28                                   if:
- 29                                       (a) the holder of the permit contravenes a condition of the  
30                                       permit; or  
31                                       (b) the Minister considers that, for reasons relevant to the  
32                                       security, defence or international relations of Australia, the  
33                                       permit should be suspended; or

- 
- 1 (c) an incident involving a space object covered by the permit  
2 occurs during the liability period for the launch or return of  
3 the object.
- 4 (2) The Minister must give notice of the suspension to the holder of  
5 the permit. The notice must specify the day the suspension takes  
6 effect.
- 7 (3) An Australian launch permit has no effect while suspended, but the  
8 period for which it remains in force continues to run despite the  
9 suspension.
- 10 (4) The Minister may, in writing, revoke a suspension under  
11 subsection (1).
- 12 (5) The Minister must give notice of the revocation to the holder of the  
13 permit. The notice must specify the day the revocation takes effect.
- 14 (6) The Minister may vary or revoke an Australian launch permit even  
15 while it is suspended.

### 16 **37 Basis on which Australian launch permit is granted**

17 An Australian launch permit is granted on the basis that:

- 18 (a) the permit may be transferred under section 32; and  
19 (b) the permit may be revoked under section 33; and  
20 (c) the permit may be varied under section 33; and  
21 (d) the permit may be suspended under section 36; and  
22 (e) the permit may be transferred, revoked, varied or suspended  
23 by or under later legislation; and  
24 (f) no compensation is payable if the permit is transferred,  
25 revoked, varied or suspended as mentioned in any of the  
26 above paragraphs.

## 27 **Division 4—Australian high power rocket permits**

### 28 **38 Granting an Australian high power rocket permit**

- 29 (1) The Minister may grant to a person an Australian high power  
30 rocket permit authorising the launch of a high power rocket from a  
31 specified facility (whether fixed or mobile), or specified place, in  
32 Australia.

- 1 (2) The Minister may grant the Australian high power rocket permit to  
2 the person only if all of the following criteria are met:
- 3 (a) the Minister is satisfied that the person who is to carry out the  
4 launch is competent to do so;
- 5 (b) the Minister is satisfied that the insurance/financial  
6 requirements in Division 7 will be satisfied for the launch;
- 7 (c) the Minister is satisfied that the probability of the launch  
8 causing substantial harm to public health or public safety or  
9 causing substantial damage to property is as low as is  
10 reasonably practicable;
- 11 (d) the Minister does not consider that, for reasons relevant to the  
12 security, defence or international relations of Australia, the  
13 permit should not be granted;
- 14 (e) any other criteria prescribed by the rules for the purposes of  
15 this paragraph.

### 16 **39 Terms of Australian high power rocket permit**

- 17 (1) An Australian high power rocket permit authorising the launch of a  
18 high power rocket:
- 19 (a) must specify the day on which the permit comes into force  
20 and the period for which it remains in force; and
- 21 (b) is granted subject to the conditions in section 40 and any  
22 other conditions specified in the permit.
- 23 (2) An Australian high power rocket permit may specify that the  
24 period for which it remains in force ends on the occurrence of a  
25 particular event (rather than at a specified time). For this purpose,  
26 the rules may set out how to determine when events of a particular  
27 kind occur.
- 28 Example: An Australian high power rocket permit might specify that it expires  
29 when the relevant launch has been (successfully or unsuccessfully)  
30 completed. The rules could set out how to determine when this is.
- 31 (3) At any time when an Australian high power rocket permit is in  
32 force, the Minister may, by written notice given to the holder of the  
33 permit, extend or further extend the period for which the permit  
34 remains in force.



---

**40 Standard Australian high power rocket permit conditions**

The following are conditions of each Australian high power rocket permit, except to the extent that the permit otherwise specifies:

- (a) the launch must not be conducted in a way that is likely to cause substantial harm to public health or public safety or to cause substantial damage to property;
- (b) the holder of the permit must satisfy the insurance/financial requirements in Division 7 for the launch conducted under the permit;
- (c) any other conditions prescribed by the rules for the purposes of this paragraph.

**41 Breaching an Australian high power rocket permit condition***Offence*

- (1) A person commits an offence if:
- (a) the person is the holder of an Australian high power rocket permit; and
  - (b) the person does an act or omits to do an act; and
  - (c) the act or omission contravenes a condition of the permit; and
  - (d) the condition is a condition to which the permit is subject under paragraph 40(a) or (b).

*Penalty:*

- (a) for an individual—imprisonment for 10 year or 5,500 penalty units, or both; or
- (b) for a body corporate—100,000 penalty units.

*Civil penalty*

- (2) The holder of an Australian high power rocket permit must not contravene a condition of the permit.

Civil penalty: 1,000 penalty units.

1 **42 Transfer of Australian high power rocket permit**

2 (1) The Minister may, by written notice, transfer an Australian high  
3 power rocket permit to another person if the Minister could grant  
4 the permit to the other person under section 38.

5 Note: See section 45 for the procedure for transferring an Australian high  
6 power rocket permit.

7 (2) The transfer takes effect at the time specified in the notice.

8 (3) The Minister must give a copy of the notice to:

9 (a) the holder of the permit immediately before the transfer; and

10 (b) the other person.

11 (4) The permit continues to cover the same facility or place and the  
12 same high power rocket.

13 (5) The permit is subject to the same conditions as those in force  
14 immediately before the transfer (unless the Minister varies the  
15 conditions).

16 (6) The period for which the permit remains in force continues to run  
17 despite the transfer.

18 **43 Varying or revoking an Australian high power rocket permit**

19 (1) The Minister may, in writing, vary or revoke an Australian high  
20 power rocket permit held by a person.

21 Note: See section 45 for the procedure for varying or revoking an Australian  
22 high power rocket permit.

23 (2) The Minister must give notice of the variation or revocation to the  
24 person. The notice must specify the day the variation or revocation  
25 takes effect.

26 **44 Applying for the grant, variation or transfer of an Australian**  
27 **high power rocket permit**

28 An application for the grant, variation or transfer of an Australian  
29 high power rocket permit must be made in accordance with the  
30 rules.

---

**45 Procedure etc.**

- 1
- 2 (1) If the Minister considers that there may be grounds to vary, revoke  
3 or transfer an Australian high power rocket permit (other than at  
4 the permit holder's request), the Minister must:
- 5 (a) give the holder of the permit written notice of the Minister's  
6 opinion specifying the reasons for that opinion; and  
7 (b) invite the holder to make a written submission to the Minister  
8 about the matter within a reasonable period specified in the  
9 notice.
- 10 (2) In deciding whether to vary, revoke or transfer the permit, the  
11 Minister must consider the matters raised in any submission  
12 received within the period specified in the notice.
- 13 (3) The rules may prescribe the ways in which the Minister must not  
14 vary an Australian high power rocket permit.

**46 Suspending an Australian high power rocket permit**

- 15
- 16 (1) The Minister may, in writing, suspend an Australian high power  
17 rocket permit if:
- 18 (a) the holder of the permit contravenes a condition of the  
19 permit; or  
20 (b) the Minister considers that, for reasons relevant to the  
21 security, defence or international relations of Australia, the  
22 permit should be suspended; or  
23 (c) an incident involving the high power rocket covered by the  
24 permit occurs during the liability period for the launch of the  
25 rocket.
- 26 (2) The Minister must give notice of the suspension to the holder of  
27 the permit. The notice must specify the day the suspension takes  
28 effect.
- 29 (3) An Australian high power rocket permit has no effect while  
30 suspended, but the period for which it remains in force continues to  
31 run despite the suspension.
- 32 (4) The Minister may, in writing, revoke a suspension under  
33 subsection (1).

- 1 (5) The Minister must give notice of the revocation to the holder of the  
2 permit. The notice must specify the day the revocation takes effect.
- 3 (6) The Minister may vary or revoke an Australian high power rocket  
4 permit even while it is suspended.

#### 5 **46A Basis on which Australian high power rocket permit is granted**

- 6 An Australian high power rocket permit is granted on the basis  
7 that:
- 8 (a) the permit may be transferred under section 42; and  
9 (b) the permit may be revoked under section 43; and  
10 (c) the permit may be varied under section 43; and  
11 (d) the permit may be suspended under section 46; and  
12 (e) the permit may be transferred, revoked, varied or suspended  
13 by or under later legislation; and  
14 (f) no compensation is payable if the permit is transferred,  
15 revoked, varied or suspended as mentioned in any of the  
16 above paragraphs.

### 17 **Division 5—Overseas payload permits**

#### 18 **46B Granting an overseas payload permit**

- 19 (1) The Minister may grant to a person an overseas payload permit  
20 authorising:
- 21 (a) the launch of one or more space objects; or  
22 (b) a particular series of launches of space objects that, in the  
23 Minister's opinion, having regard to the nature of any  
24 payloads to be carried, may appropriately be authorised by a  
25 single overseas payload permit;
- 26 from a specified facility (whether fixed or mobile), or specified  
27 place, outside Australia using a specified launch vehicle.
- 28 Note: Overseas payload permits are required only if an Australian national  
29 would be a responsible party for the launch—see section 14.
- 30 (2) The Minister may grant the overseas payload permit to the person  
31 only if all of the following criteria are met:
- 32 (a) either:

- 
- 1 (i) the Minister is satisfied that the insurance/financial  
2 requirements in Division 7 will be satisfied for each  
3 launch to be conducted under the permit; or  
4 (ii) the Minister notifies the person, in writing, that, having  
5 regard to the nature and purpose of the space object or  
6 space objects concerned, those requirements are not  
7 required to be satisfied;
- 8 (b) the Minister is satisfied that the probability of the launch or  
9 launches causing substantial harm to public health or public  
10 safety or causing substantial damage to property is  
11 sufficiently low;
- 12 (c) the Minister does not consider that, for reasons relevant to the  
13 security, defence or international relations of Australia, the  
14 permit should not be granted;
- 15 (d) any other criteria prescribed by the rules for the purposes of  
16 this paragraph.
- 17 (3) The Minister may, in deciding whether to grant the overseas  
18 payload permit, have regard to:
- 19 (a) whether there is an agreement or arrangement between  
20 Australia and the other launching State, or any of the other  
21 launching States, under which that State or those States  
22 assume liability, and indemnify Australia, for any damage  
23 that the space object or objects may cause; and  
24 (b) the terms of that agreement or arrangement.
- 25 (4) Subsections (2) and (3) do not limit the matters to which the  
26 Minister may have regard.

#### 27 **46C Terms of overseas payload permit**

- 28 (1) An overseas payload permit authorising the launch of a space  
29 object or objects:
- 30 (a) must specify the day on which it comes into force and the  
31 period for which it remains in force; and  
32 (b) is granted subject to any conditions specified in the permit.
- 33 (2) An overseas payload permit may specify that the period for which  
34 it remains in force ends on the occurrence of a particular event  
35 (rather than at a specified time). For this purpose, the rules may set  
36 out how to determine when events of a particular kind occur.

1 Example: An overseas payload permit might specify that its period expires when  
2 the relevant launch has been (successfully or unsuccessfully)  
3 completed. The rules could set out how to determine when this is.

4 (3) At any time when an overseas payload permit is in force, the  
5 Minister may, by written notice given to the holder of the permit,  
6 extend or further extend the period for which the permit remains in  
7 force.

#### 8 **46D Breaching an overseas payload permit condition**

9 The holder of an overseas payload permit must not contravene a  
10 condition of the permit.

11 Civil penalty: 1,000 penalty units.

#### 12 **46E Transfer of overseas payload permit**

13 (1) The Minister may, by written notice, transfer an overseas payload  
14 permit to another person if the Minister could grant the permit to  
15 the other person under section 46B.

16 Note: See section 46H for the procedure for transferring an overseas payload  
17 permit.

18 (2) The transfer takes effect at the time specified in the notice.

19 (3) The Minister must give a copy of the notice to:  
20 (a) the holder of the permit immediately before the transfer; and  
21 (b) the other person.

22 (4) The permit continues to cover the same facility or place, the same  
23 launch vehicle and the same space object or objects.

24 (5) The permit is subject to the same conditions as those in force  
25 immediately before the transfer (unless the Minister varies the  
26 conditions).

27 (6) The period for which the permit remains in force continues to run  
28 despite the transfer.

#### 29 **46F Varying or revoking an overseas payload permit**

30 (1) The Minister may, in writing, vary or revoke an overseas payload  
31 permit held by a person.

---



1 **46J Suspending an overseas payload permit**

- 2 (1) The Minister may, in writing, suspend an overseas payload permit  
3 if:  
4 (a) the holder of the permit contravenes a condition of the  
5 permit; or  
6 (b) if subparagraph 46B(2)(a)(i) applied—the Minister is  
7 satisfied that the insurance/financial requirements in  
8 Division 7 are not satisfied for a launch to be conducted  
9 under the permit; or  
10 (c) the Minister considers that, for reasons relevant to the  
11 security, defence or international relations of Australia, the  
12 permit should be suspended.
- 13 (2) The Minister must give notice of the suspension to the holder of  
14 the permit. The notice must specify the day the suspension takes  
15 effect.
- 16 (3) An overseas payload permit has no effect while suspended, but the  
17 period for which it remains in force continues to run despite the  
18 suspension.
- 19 (4) The Minister may, in writing, revoke a suspension under  
20 subsection (1).
- 21 (5) The Minister must give notice of the revocation to the holder of the  
22 permit. The notice must specify the day the revocation takes effect.
- 23 (6) The Minister may vary or revoke an overseas payload permit even  
24 while it is suspended.

25 **46K Basis on which overseas payload permit is granted**

26 An overseas payload permit is granted on the basis that:

- 27 (a) the permit may be transferred under section 46E; and  
28 (b) the permit may be revoked under section 46F; and  
29 (c) the permit may be varied under section 46F; and  
30 (d) the permit may be suspended under section 46J; and  
31 (e) the permit may be transferred, revoked, varied or suspended  
32 by or under later legislation; and



- 
- 1 (f) no compensation is payable if the permit is transferred,  
2 revoked, varied or suspended as mentioned in any of the  
3 above paragraphs.

## 4 **Division 6—Return authorisations**

### 5 **46L Giving a return authorisation**

- 6 (1) The Minister may give a person a return authorisation that  
7 authorises:
- 8 (a) the return of a space object to a specified place or area in  
9 Australia or outside Australia; or
- 10 (b) a particular series of such returns that, in the Minister's  
11 opinion, having regard to the nature of the space objects to be  
12 returned, may appropriately be authorised by a single return  
13 authorisation.
- 14 (2) The return or returns may be authorised under this section only if  
15 all of the following criteria are met:
- 16 (a) the Minister is satisfied that the person who is to carry out the  
17 return or returns is competent to do so;
- 18 (b) the Minister is satisfied that the insurance/financial  
19 requirements in Division 7 will be satisfied for the return or  
20 returns;
- 21 (c) the Minister is satisfied that the probability of the return or  
22 returns causing substantial harm to public health or public  
23 safety or causing substantial damage to property is as low as  
24 is reasonably practicable;
- 25 (d) the space object or objects concerned are not and do not  
26 contain a nuclear weapon or a weapon of mass destruction of  
27 any other kind;
- 28 (e) the Minister does not consider that, for reasons relevant to the  
29 security, defence or international relations of Australia, the  
30 authorisation should not be given;
- 31 (f) any other criteria prescribed by the rules for the purposes of  
32 this paragraph.
- 33 (3) The Minister may, in deciding whether to give a return  
34 authorisation, have regard to:
- 35 (a) whether there is an agreement or arrangement between  
36 Australia and any country that is a launching State for any

- 1 space object concerned under which that country assumes  
2 any liability, and indemnifies Australia, for any damage that  
3 the space object may cause; and  
4 (b) the terms of that agreement or arrangement.
- 5 (4) Subsections (2) and (3) do not limit the matters to which the  
6 Minister may have regard.
- 7 (5) A return authorisation is subject to any conditions specified in the  
8 authorisation.

9 **46M Offence and civil penalty relating to returns**

10 *Offence*

- 11 (1) A person commits an offence if:  
12 (a) the person returns a space object purportedly in accordance  
13 with a return authorisation; and  
14 (b) one or more of the following applies:  
15 (i) the return is conducted in a way that is likely to cause  
16 substantial harm to public health or public safety or to  
17 cause substantial damage to property;  
18 (ii) the space object is or contains a nuclear weapon or a  
19 weapon of mass destruction of any other kind;  
20 (iii) the space object contains a nuclear power source and the  
21 Minister's written approval for this has not first been  
22 obtained;  
23 (iv) the insurance/financial requirements in Division 7 are  
24 not satisfied for the return.

25 *Penalty:*

- 26 (a) for an individual—imprisonment for 10 years or 5,500  
27 penalty units, or both; or  
28 (b) for a body corporate—100,000 penalty units.

29 *Civil penalty*

- 30 (2) A person must not return a space object purportedly in accordance  
31 with a return authorisation, in circumstances where one or more of  
32 the following applies:

- 
- 1 (a) the return is conducted in a way that is likely to cause  
2 substantial harm to public health or public safety or to cause  
3 substantial damage to property;  
4 (b) the space object is or contains a nuclear weapon or a weapon  
5 of mass destruction of any other kind;  
6 (c) the space object contains a nuclear power source and the  
7 Minister's written approval for this has not first been  
8 obtained;  
9 (d) the insurance/financial requirements in Division 7 are not  
10 satisfied for the return.

11 Civil penalty: 1,000 penalty units.

#### 12 **46N Breaching a return authorisation condition**

13 The holder of a return authorisation must not contravene a  
14 condition of the authorisation.

15 Civil penalty: 1,000 penalty units.

#### 16 **46P Varying or revoking a return authorisation**

- 17 (1) The Minister may, in writing, vary or revoke a return authorisation  
18 held by a person.

19 Note: See section 46R for the procedure for varying or revoking a return  
20 authorisation.

- 21 (2) The Minister must give notice of the variation or revocation to the  
22 person. The notice must specify the day the variation or revocation  
23 takes effect.

#### 24 **46Q Applying for the giving or variation of a return authorisation**

25 An application for the giving or variation of a return authorisation  
26 must be made in accordance with the rules.

#### 27 **46R Procedure etc.**

- 28 (1) If the Minister considers that there may be grounds to vary or  
29 revoke a return authorisation (other than at the authorisation  
30 holder's request), the Minister must:

- 1 (a) give the holder of the authorisation written notice of the  
2 Minister's opinion specifying the reasons for that opinion;  
3 and  
4 (b) invite the holder to make a written submission to the Minister  
5 about the matter within a reasonable period specified in the  
6 notice.
- 7 (2) In deciding whether to vary or revoke the authorisation, the  
8 Minister must consider the matters raised in any submission  
9 received within the period specified in the notice.

#### 10 **46S Suspending a return authorisation**

- 11 (1) The Minister may, in writing, suspend a return authorisation if:  
12 (a) the holder of the authorisation contravenes a condition of the  
13 authorisation; or  
14 (b) the Minister considers that, for reasons relevant to the  
15 security, defence or international relations of Australia, the  
16 authorisation should be suspended; or  
17 (c) an incident involving a space object covered by the  
18 authorisation occurs during the liability period for the return  
19 of the object.
- 20 (2) The Minister must give notice of the suspension to the holder of  
21 the authorisation. The notice must specify the day the suspension  
22 takes effect.
- 23 (3) A return authorisation has no effect while suspended.
- 24 (4) The Minister may, in writing, revoke a suspension under  
25 subsection (1).
- 26 (5) The Minister must give notice of the revocation to the holder of the  
27 authorisation. The notice must specify the day the revocation takes  
28 effect.
- 29 (6) The Minister may vary or revoke a return authorisation even while  
30 it is suspended.

#### 31 **46T Basis on which return authorisation is given**

- 32 A return authorisation is given on the basis that:  
33 (a) the authorisation may be revoked under section 46P; and
-

- 
- 1 (b) the authorisation may be varied under section 46P; and  
2 (c) the authorisation may be suspended under section 46S; and  
3 (d) the authorisation may be revoked, varied or suspended by or  
4 under later legislation; and  
5 (e) no compensation is payable if the authorisation is revoked,  
6 varied or suspended as mentioned in any of the above  
7 paragraphs.

## 8 **Division 6A—Authorisation certificates**

### 9 **46U Authorisation certificates**

- 10 (1) The Minister may issue to any person an authorisation certificate  
11 covering specified conduct that might otherwise be prohibited by  
12 section 11, 12, 13, 14, 15 or 15A.

13 Note: Under subsection 33(3A) of the *Acts Interpretation Act 1901*, conduct  
14 may be specified by reference to a particular class or classes of  
15 conduct.

- 16 (2) The rules may set out matters to which the Minister must have  
17 regard in deciding whether to issue an authorisation certificate.

18 Example: The rules might set out criteria such as whether a launch would be in  
19 the national interest or would confer a significant national benefit,  
20 whether there is a risk that a launch might cause substantial harm to  
21 public health or public safety or damage to property or whether there  
22 is a risk that a launch might expose the Commonwealth to liability for  
23 damage caused.

- 24 (3) Subsection (2) does not limit the matters to which the Minister may  
25 have regard.

- 26 (4) Within 7 sitting days of issuing an authorisation certificate, the  
27 Minister must cause a copy of the certificate to be tabled in each  
28 House of the Parliament.

### 29 **46V Terms of authorisation certificate**

- 30 (1) An authorisation certificate:  
31 (a) comes into force on a specified day or when a specified event  
32 happens; and  
33 (b) remains in force for a specified period (which may be a  
34 period that ends on the occurrence of a specified event).

- 1 (2) For the purposes of subsection (1), the rules may set out how to  
2 determine when events of a particular kind occur.
- 3 (3) At any time when an authorisation certificate is in force, the  
4 Minister may, by written notice, extend or further extend the period  
5 for which the certificate remains in force.
- 6 (4) An authorisation certificate is issued subject to any conditions  
7 specified in the certificate.

#### 8 **46W Breaching an authorisation certificate condition**

- 9 The holder of an authorisation certificate must not contravene a  
10 condition of the certificate.
- 11 Civil penalty: 1,000 penalty units.

#### 12 **46X Varying or revoking an authorisation certificate**

- 13 (1) The Minister may, in writing, vary or revoke an authorisation  
14 certificate held by a person.
- 15 (2) The Minister must give notice of the variation or revocation to the  
16 person. The notice must specify the day the variation or revocation  
17 takes effect.

#### 18 **46Y Basis on which authorisation certificate is issued**

- 19 An authorisation certificate is issued on the basis that:
- 20 (a) the certificate may be revoked under section 46X; and  
21 (b) the certificate may be varied under section 46X; and  
22 (c) the certificate may be revoked or varied by or under later  
23 legislation; and  
24 (d) no compensation is payable if the certificate is revoked or  
25 varied as mentioned in any of the above paragraphs.

#### 26 **64 Subsection 47(1)**

- 27 Omit “and 5”, substitute “, 5 and 6”.

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**65 Subsection 47(2)**

Omit “a launch permit, overseas launch certificate or section 43 authorisation”, substitute “an Australian launch permit, Australian high power rocket permit, overseas payload permit or return authorisation”.

**66 Paragraph 47(2)(b)**

Omit “regulations”, substitute “rules”.

**67 Paragraph 47(2)(b)**

Omit “subsection 48(3)”, substitute “subsection 48(4)”.

**68 Before subsection 48(1)**

Insert:

*Australian launch permit, or return authorisation for return to Australia*

**69 Paragraphs 48(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) a launch or return authorised by an Australian launch permit;
- or
- (b) a return authorised by a return authorisation, where the return of the space object is to a place or area in Australia;

**70 Paragraphs 48(1)(c) and (d)**

Omit “subsection (3)”, substitute “subsection (4)”.

**71 Subsections 48(2) and (3)**

Repeal the subsections, substitute:

*Overseas payload permit, or return authorisation for return outside Australia*

- (2) The insurance requirements are satisfied for:
    - (a) a launch authorised by an overseas payload permit; or
    - (b) a return authorised by a return authorisation, where the return of the space object is to a place or area outside Australia;
- if the Commonwealth is insured (to the extent required by subsection (4)) against any liability of the Commonwealth, under

1 the Liability Convention or otherwise under international law, to  
2 pay compensation for any damage to third parties that the launch or  
3 return causes.

4 Note: The Commonwealth is under no duty to take out any insurance cover  
5 under this subsection—the onus is on the holder of the permit or  
6 authorisation to ensure that the insurance/financial requirements are  
7 satisfied.

8 *Australian high power rocket permit*

9 (3) The insurance requirements are satisfied for a launch authorised by  
10 an Australian high power rocket permit if the holder of the permit  
11 is insured (to the extent required by subsection (4)) against any  
12 liability that the holder might incur under this Act to pay  
13 compensation for any damage to third parties that the launch  
14 causes.

15 *Minimum amount of insurance*

16 (4) The total insurance, for each launch or return concerned, must be  
17 for an amount at least equal to the lesser of the following amounts:  
18 (a) the amount specified in the rules for the purposes of this  
19 paragraph (which must not exceed \$100 million);  
20 (b) if the rules set out a method of determining an amount for the  
21 purposes of this paragraph—the amount determined using  
22 that method.

23 **72 Sections 50 and 51**

24 Repeal the sections, substitute:

25 **50 Launch Safety Officer**

26 (1) The Minister must, by writing, appoint a Launch Safety Officer for  
27 the following:  
28 (a) a launch of a space object covered by an Australian launch  
29 permit;  
30 (b) a return to a place or area in Australia of a space object  
31 covered by an Australian launch permit or a return  
32 authorisation.  
33 (2) The same person may be the Launch Safety Officer for more than  
34 one launch or return.

---



1 (3) The Minister may, by writing, revoke the appointment.

## 2 **51 Functions of Launch Safety Officer**

3 The functions of the Launch Safety Officer for a launch or return  
4 of a space object are:

- 5 (a) to ensure that notice is given, in accordance with the rules, of  
6 the launch or return; and  
7 (b) to ensure that:  
8 (i) for a launch—no person or property is endangered by  
9 the launch, until the space object is safely in Earth orbit  
10 or beyond; or  
11 (ii) for a return—no person or property is endangered by the  
12 return; and  
13 (c) to monitor the compliance by the person holding the  
14 Australian launch permit, or return authorisation, with this  
15 Act and with the conditions of the permit or authorisation.

## 16 **73 Subsection 52(1)**

17 Omit “a licensed launch facility”, substitute “a launch or return of a  
18 space object”.

## 19 **74 Subsection 52(2)**

20 Omit “for a licensed launch facility”.

## 21 **75 Paragraph 52(2)(a)**

22 Repeal the paragraph, substitute:

- 23 (a) in relation to the launch of a space object from a launch  
24 facility in Australia—with the consent of the holder of the  
25 Australian launch permit, or of any person authorised by the  
26 holder to give that consent:  
27 (i) enter and inspect the facility and the space object if it is  
28 at the facility; and  
29 (ii) inspect and test any other equipment at the facility; and  
30 (aa) in relation to the launch of a space object from an aircraft  
31 where the aircraft is in Australia—with the consent of the  
32 holder of the Australian launch permit, or of any person  
33 authorised by the holder to give that consent, enter and

1 inspect the aircraft and the space object if it is in or on the  
2 aircraft; and

3 **76 Paragraph 52(2)(b)**

4 After “ask the holder”, insert “of the Australian launch permit or return  
5 authorisation”.

6 **77 Paragraphs 52(2)(c) and (d)**

7 Repeal the paragraphs, substitute:

8 (c) give any written directions about the launch of the space  
9 object carried out, or proposed to be carried out, that the  
10 Launch Safety Officer considers necessary to avoid any  
11 danger to persons or property, including directions to stop the  
12 launch or destroy the space object (whether before or after it  
13 is launched); and

14 (d) give any written directions about the return of the space  
15 object that the Launch Safety Officer considers necessary to  
16 avoid any danger to persons or property, including directions  
17 to stop the return or destroy the space object.

18 **78 Subsection 52(3)**

19 Repeal the subsection, substitute:

20 (3) A direction under paragraph (2)(c) or (d) may include a  
21 requirement relating to written notice to be given to the Launch  
22 Safety Officer of the action taken in response to the direction.

23 **79 Subsection 52(4)**

24 Omit “for a licensed launch facility is not entitled to exercise any  
25 powers under this section at or on the facility”, substitute “is not entitled  
26 to exercise any powers under this section at or on a launch facility or in  
27 or on an aircraft”.

28 **80 Paragraph 52(4)(a)**

29 Omit “space licence”, substitute “Australian launch permit”.

30 **81 Subsection 52(5)**

31 Omit “space licence or launch permit”, substitute “launch facility  
32 licence, Australian launch permit or return authorisation”.

1 **82 At the end of section 52**

2 Add:

- 3 (6) The Launch Safety Officer must give the Minister a copy of a  
4 direction the Launch Safety Officer gives under paragraph (2)(c) or  
5 (d). The Launch Safety Officer must do so within 10 business days  
6 after giving the direction.

7 **83 Sections 53 and 54**

8 Repeal the sections, substitute:

9 **53 Offence for contravening direction**

10 A person commits an offence if:

- 11 (a) the person is given a direction under paragraph 52(2)(c) or  
12 (d); and  
13 (b) the person does an act or omits to do an act; and  
14 (c) the act or omission contravenes the direction.

15 Penalty: 100 penalty units.

16 **84 Subsection 55(1)**

17 Omit “for a licensed launch facility”.

18 **85 Subsection 55(2)**

19 Omit “licensed launch facilities”, substitute “launches or returns”.

20 **86 Subsection 56(1)**

21 Omit “licensed launch facility”, substitute “launch facility or in or on an  
22 aircraft”.

23 **87 Subsection 56(1)**

24 Omit “for the facility”.

25 **88 Paragraph 56(1)(a)**

26 After “facility”, insert “or is in or on the aircraft”.

27 **89 Subparagraph 56(1)(b)(i)**

28 After “search the facility”, insert “or aircraft”.

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1 **90 Subparagraph 56(1)(b)(i)**

2 After “at or on the facility”, insert “or in or on the aircraft”.

3 **91 Section 57**

4 Omit “for a licensed launch facility”.

5 **92 Section 57**

6 Omit “for the facility”.

7 **93 Subsections 58(1) and (3)**

8 Omit “a licensed launch facility”, substitute “a launch or return of a  
9 space object”.

10 **94 Section 59**

11 Repeal the section, substitute:

12 **59 Fees**

13 *Applicants*

14 (1) A person making one of the following applications must pay the  
15 Commonwealth the relevant fee prescribed by the rules for the  
16 purposes of this section:

17 (a) an application for a launch facility licence or for a transfer or  
18 variation of such a licence;

19 (b) an application for an Australian launch permit or for a  
20 transfer or variation of such a permit;

21 (c) an application for an Australian high power rocket permit or  
22 for a transfer or variation of such a permit;

23 (d) an application for an overseas payload permit or for a transfer  
24 or variation of such a permit;

25 (e) an application for a return authorisation or for a variation of  
26 such an authorisation;

27 (f) an application for an authorisation certificate.

28 The rules may prescribe different fees for different applications.

1                    *Setting fee*

- 2                    (2) The rules may set a fee by specifying the amount of the fee or a  
3                    way of working out the fee.

4                    *Fee must not amount to taxation*

- 5                    (3) A fee must not be such as to amount to taxation.

6                    *Time for payment of fee*

- 7                    (4) The rules may specify the time for payment of a fee.

8                    *Fee instalments*

- 9                    (5) For an application for a launch facility licence, the rules may  
10                    provide for the payment of a fee by instalments at times worked  
11                    out in accordance with the rules.

12                    *Waiver of fee*

- 13                    (6) The rules may prescribe the circumstances in which the Minister  
14                    may wholly or partly waive a fee that would otherwise be payable  
15                    under this section.

16                    *Unpaid fee*

- 17                    (7) If any amount of a fee remains unpaid after it becomes due for  
18                    payment, no decision is to be made on the application concerned  
19                    until that amount has been paid.
- 20                    (8) If any amount of a fee remains unpaid after it becomes due for  
21                    payment, that amount is a debt due to the Commonwealth and may  
22                    be recovered by the Minister, on behalf of the Commonwealth, by  
23                    action in the Federal Court or Federal Circuit Court.

24                    **95 Paragraph 60(a)**

25                    Omit “space licence”, substitute “launch facility licence”.

26                    **96 Paragraph 60(b)**

27                    Omit “a launch permit”, substitute “an Australian launch permit”.

1 **97 After paragraph 60(b)**

2 Insert:

3 (ba) an applicant for, or the holder of, an Australian high power  
4 rocket permit; or

5 **98 Paragraph 60(c)**

6 Omit “overseas launch certificate”, substitute “overseas payload  
7 permit”.

8 **99 Paragraph 60(d)**

9 Omit “an authorisation under section 43”, substitute “a return  
10 authorisation”.

11 **100 Section 60**

12 Omit “, certificate”.

13 **101 Paragraphs 61(a) and (b)**

14 Omit “space licence”, substitute “launch facility licence”.

15 **102 Paragraphs 61(c), (d) and (e)**

16 Omit “a launch permit or overseas launch certificate”, substitute “an  
17 Australian launch permit, Australian high power rocket permit or  
18 overseas payload permit”.

19 **103 Paragraphs 61(f) and (g)**

20 Omit “an authorisation under section 43”, substitute “a return  
21 authorisation”.

22 **104 Paragraphs 61(h), (i) and (ia)**

23 Omit “exemption certificate”, substitute “authorisation certificate”.

24 **105 Paragraph 61(j)**

25 Omit “space licence, launch permit, overseas launch certificate,  
26 authorisation under section 43 or exemption certificate; or”, substitute  
27 “launch facility licence, Australian launch permit, Australian high  
28 power rocket permit, overseas payload permit, return authorisation or  
29 authorisation certificate.”.

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**106 Paragraphs 61(k) and (l)**

Repeal the paragraphs.

**107 Section 62**

Repeal the section, substitute:

**62 Notice of decisions**

(1) If the Minister grants, varies, revokes, suspends or transfers any of the following, the Minister may cause to be published on the Department's website a notice setting out such information as the Minister considers appropriate:

- (a) a launch facility licence;
- (b) an Australian launch permit;
- (c) an Australian high power rocket permit;
- (d) an overseas payload permit;
- (e) a return authorisation;
- (f) an authorisation certificate.

(2) If the grant, variation, revocation, suspension or transfer is in relation to an individual, the notice may include the name of the individual, but must not include any other personal information (within the meaning of the *Privacy Act 1988*) about the individual.

**108 Before Division 1 of Part 4**

Insert:

**Division 1A—Simplified outline of this Part****62A Simplified outline of this Part**

- The responsible party for the launch or return of a space object is liable to pay compensation for any damage the object causes to a third party.

**109 Subparagraph 63(1)(a)(i)**

After "Australia", insert ", from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory".

1 **110 Paragraph 63(2)(a)**

2 After “place”, insert “or area”.

3 **111 Subparagraph 63(2A)(a)(i)**

4 After “Australia”, insert “, from an Australian aircraft that is in flight or  
5 from a foreign aircraft that is in the airspace over Australian territory”.

6 **112 Paragraph 63(2A)(b)**

7 After “place”, insert “or area”.

8 **113 Paragraph 63(3)(d)**

9 Omit “exemption certificate”, substitute “authorisation certificate”.

10 **114 Subsection 64(2) (note)**

11 Omit “However, see also section 65 (which allows the regulations to  
12 make provision in relation to the waiver of such rights).”.

13 **115 Section 65**

14 Repeal the section.

15 **116 Paragraph 66(a)**

16 Omit “located within Australia”, substitute “in Australia, from an  
17 Australian aircraft in flight or from a foreign aircraft in the airspace  
18 over Australian territory”.

19 **117 Paragraph 69(1)(a)**

20 Omit “a launch permit”, substitute “an Australian launch permit”.

21 **118 Paragraph 69(1)(b)**

22 Omit “the relevant space licence”, substitute “any relevant launch  
23 facility licence”.

24 **119 Paragraph 69(2)(a)**

25 Omit “an overseas launch certificate”, substitute “an overseas payload  
26 permit”.

27 **120 Paragraph 69(2)(b)**

28 Omit “certificate”, substitute “permit”.

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1 **121 Subsection 69(3)**

2 Omit “launch permit or overseas launch certificate”, substitute  
3 “Australian launch permit or overseas payload permit”.

4 **122 Paragraphs 69(4)(a) and (b)**

5 Omit “launch permit or overseas launch certificate”, substitute  
6 “Australian launch permit or overseas payload permit”.

7 **123 Paragraph 70(a)**

8 Omit “located within Australia”, substitute “in Australia, from an  
9 Australian aircraft in flight or from a foreign aircraft in the airspace  
10 over Australian territory”.

11 **124 Section 72 (heading)**

12 Repeal the heading, substitute:

13 **72 Federal Court and Federal Circuit Court have jurisdiction**

14 **125 Section 72**

15 Omit “has”, substitute “and Federal Circuit Court have”.

16 **126 Paragraph 73(2)(a)**

17 Omit “a launch permit, overseas launch certificate, section 43  
18 authorisation or exemption certificate”, substitute “an Australian launch  
19 permit, overseas payload permit, return authorisation or authorisation  
20 certificate”.

21 **127 Paragraph 74(2)(b)**

22 Omit “a launch permit or overseas launch certificate”, substitute “an  
23 Australian launch permit or overseas payload permit”.

24 **128 Paragraph 74(2)(b)**

25 Omit “or certificate”.

26 **129 After Part 4**

27 Insert:

1 **Part 4A—Liability for damage by high power**  
2 **rockets**

3 **Division 1—Simplified outline of this Part**

4 **75A Simplified outline of this Part**

- 5
  - The launch party for the launch of a high power rocket is
  - 6 liable to pay compensation for any damage the rocket causes
  - 7 to a third party on Earth or in the air.

8 **Division 2—Scope of Part**

9 **75B Damage covered**

- 10 (1) This Part applies to damage a high power rocket causes if:  
11 (a) the object is launched from a facility (whether fixed or  
12 mobile), or place, in Australia; and  
13 (b) the damage is caused during the liability period for the  
14 launch.
- 15 (2) This Part applies to damage mentioned in subsection (1):  
16 (a) whether the damage happens on Earth or in the air; and  
17 (b) whether the damage happens in Australia or outside it; and  
18 (c) whether or not the launch was authorised under this Act; and  
19 (d) whether or not the launch was covered by an authorisation  
20 certificate.

21 **75C Compensation for third party damage by high power rockets to**  
22 **be determined solely under this Part**

23 Compensation for damage to which this Part applies caused to third  
24 parties is only payable in accordance with this Part.

25 Note: This section does not affect the rights of persons who are not third  
26 parties (for example, employees of a launch party) from seeking  
27 compensation outside of this Act for damage to which this Part  
28 applies.

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**Division 3—Liability for third party damage****75D Damage on Earth or in the air**

- (1) The launch party for the launch of a high power rocket is liable to pay compensation for any damage the rocket causes to a third party on Earth or in the air.
- (2) However, the launch party is not liable to the extent that the launch party establishes that the damage resulted from:
- (a) the negligence of the third party; or
  - (b) any conduct (whether by act or omission) that the third party engaged in with intent to cause the damage.

**75E Limit on amount of permit holder's liability**

- (1) This section applies if:
- (a) the launch of a high power rocket that causes damage to which this Part applies was authorised by an Australian high power rocket permit; and
  - (b) the damage did not result from a breach of any of the conditions of the permit, from any conduct (whether by act or omission) that the launch party or a related party engaged in with intent to cause the damage or from the negligence of the launch party or a related party.
- (2) The launch party is not liable to pay compensation for the damage to the extent that the amount of the compensation would exceed the insured amount for the Australian high power rocket permit.
- (3) If:
- (a) the launch party has paid compensation for the damage of an amount equal to the insured amount for the Australian high power rocket permit; and
  - (b) apart from this section, the launch party would be liable to pay further compensation to Australian nationals for the damage of an amount (the *excess amount*) in excess of the insured amount for the Australian high power rocket permit;
- then the Commonwealth is liable to pay compensation to the Australian nationals for the damage of an amount equal to so much of the excess amount as does not exceed \$3 billion.

- 1 (4) The Consolidated Revenue Fund is appropriated for the purposes  
2 of payments by the Commonwealth under subsection (3).

3 **Division 4—Procedure etc.**

4 **75F Federal Court and Federal Circuit Court have jurisdiction**

5 The Federal Court and the Federal Circuit Court have jurisdiction  
6 to hear and determine actions for compensation for damage to  
7 which this Part applies.

8 **75G Action for compensation**

- 9 An action for compensation for damage to which this Part applies  
10 may only be brought:
- 11 (a) within 1 year after the day on which the damage occurred; or  
12 (b) if, when the damage occurred, the person bringing the action  
13 did not know that it had occurred—within 1 year after the  
14 day on which the person:
- 15 (i) became aware of the damage; or  
16 (ii) would have become aware of the damage, if the person  
17 had exercised due diligence.

18 **130 Part 5 (heading)**

19 Repeal the heading, substitute:

20 **Part 5—Register of Space Objects**

21 **131 Before section 76**

22 Insert:

23 **75H Simplified outline of this Part**

- 24 • A Register of Space Objects must be publicly available on the  
25 Department’s website. The register includes details for certain  
26 space objects launched under an Australian launch permit,  
27 overseas payload permit or authorisation certificate.

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**132 Subsection 76(2)**

Omit “an authorisation provided under this Act”, substitute “an Australian launch permit, overseas payload permit or authorisation certificate”.

**133 Paragraph 76(2)(g)**

Omit “prescribed particulars”, substitute “particulars prescribed by the rules for the purposes of this paragraph”.

**134 At the end of section 76**

Add:

- (5) The Minister must cause the Register to be made publicly available on the Department’s website.

**135 Subsection 77(1)**

Omit “a launch permit authorising the launch of a space object from a launch facility”, substitute “an Australian launch permit, overseas payload permit or authorisation certificate authorising the launch of a space object”.

**136 Sections 78 and 79**

Repeal the sections.

**137 Part 5A**

Repeal the Part.

**138 Part 6**

Repeal the Part, substitute:

**Part 6—Civil penalties****80 Simplified outline of this Part**

- A civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act. A relevant court may

1  
2

order a person contravening a civil penalty provision to pay to the Commonwealth a pecuniary penalty.

3 **81 Civil penalty provisions**

4 *Enforceable civil penalty provisions*

5 (1) Each civil penalty provision of this Act is enforceable under Part 4  
6 of the Regulatory Powers Act.

7 Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to  
8 be enforced by obtaining an order for a person to pay a pecuniary  
9 penalty for the contravention of the provision.

10 *Authorised applicant*

11 (2) For the purposes of Part 4 of the Regulatory Powers Act, the  
12 Minister is an authorised applicant in relation to the civil penalty  
13 provisions of this Act.

14 *Relevant court*

15 (3) For the purposes of Part 4 of the Regulatory Powers Act, each of  
16 the following courts is a relevant court in relation to the civil  
17 penalty provisions of this Act:

- 18 (a) the Federal Court;  
19 (b) the Federal Circuit Court.

20 *Extension to external Territories*

21 (4) Part 4 of the Regulatory Powers Act, as that Part applies in relation  
22 to the civil penalty provisions of this Act, extends to every external  
23 Territory.

24 **139 Before Division 1 of Part 7**

25 Insert:

26 **Division 1A—Simplified outline of this Part**

27 **83 Simplified outline of this Part**

28

- Investigators can investigate accidents or incidents involving:

- 
- |   |   |
|---|---|
| 1 | (a) a space object launched from a launch facility in           |
| 2 | Australia or from an aircraft that is in the airspace over      |
| 3 | Australian territory; or  |
| 4 | (b) a space object returned to a place or area in Australia; or |
| 5 | (c) a high power rocket launched from a facility or place in    |
| 6 | Australia.  |
| 7 | • The Minister appoints the investigators.                      |

8 **140 Section 84**

9 Before “This Part”, insert “(1)”.

10 **141 Paragraph 84(a)**

11 Omit “located in Australia”, substitute “in Australia or from an aircraft  
12 that is in the airspace over Australian territory”.

13 **142 Paragraph 84(b)**

14 After “place”, insert “or area”.

15 **143 At the end of section 84**

16 Add:

17 (2) This Part also applies if an accident (see section 85) or an incident  
18 (see section 86) involving a high power rocket occurs during the  
19 liability period for the launch of the rocket from a facility (whether  
20 fixed or mobile), or place, in Australia.

21 **144 Section 85**

22 After “a space object”, insert “or high power rocket”.

23 **145 Paragraphs 85(a) and (b)**

24 After “space object”, insert “or high power rocket”.

25 **146 Paragraph 85(b)**

26 After “damage to”, insert “other”.

27 **147 Paragraph 85(b)**

28 Omit “regulations”, substitute “rules”.

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1 **148 Section 86**

2 After “a space object”, insert “or high power rocket”.

3 **149 Section 86**

4 After “the space object”, insert “or high power rocket”.

5 **150 Before subsection 88(1)**

6 Insert:

7 *Accident involving space object*

8 **151 Subsection 88(1)**

9 After “an accident”, insert “involving a space object”.

10 **152 After subsection 88(1)**

11 Insert:

12 *Accident involving high power rocket*

13 (1A) If an accident involving a high power rocket occurs in  
14 circumstances where:

15 (a) a person dies or suffers serious injury as a result of the  
16 operation of the rocket; or

17 (b) the rocket causes damage to other property;

18 the Minister must appoint a person as the Investigator of the  
19 accident.

20 (1B) If an accident involving a high power rocket occurs in  
21 circumstances where:

22 (a) the rocket is destroyed or seriously damaged; and

23 (b) subsection (1A) does not apply;

24 the Minister may appoint a person as the Investigator of the  
25 accident.

26 **153 Before subsection 88(2)**

27 Insert:



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1 *Incident involving space object or high power rocket*

2 **154 Before subsection 88(3)**

3 Insert:

4 *Appointee to have suitable qualifications and experience*

5 **155 Subsection 90(2)**

6 Omit “regulations”, substitute “rules”.

7 **156 Paragraph 91(1)(b)**

8 After “a space object”, insert “or high power rocket”.

9 **157 Subsection 91(7)**

10 Omit “regulations”, substitute “rules”.

11 **158 Subsection 92(1)**

12 Repeal the subsection, substitute:

- 13 (1) A person commits an offence if:
- 14 (a) the person fails to attend before the Investigator in
  - 15 accordance with a requirement under subsection 91(1); or
  - 16 (b) the person refuses to take an oath or make an affirmation in
  - 17 accordance with a requirement under subsection 91(3); or
  - 18 (c) the person refuses or fails to answer a question in accordance
  - 19 with a requirement under subsection 91(1); or
  - 20 (d) the person fails to give the Investigator a thing in accordance
  - 21 with a requirement under subsection 91(1) and it would have
  - 22 been reasonably practicable for the person to have done so.

23 Penalty: 30 penalty units.

24 **159 Subsections 92(3) and (4)**

25 Repeal the subsections, substitute:

- 26 (3) A person commits an offence if:
- 27 (a) a requirement is made of the person under subsection 91(1);
  - 28 and
  - 29 (b) the person gives information to the Investigator in answering
  - 30 a question lawfully put to the person by the Investigator; and

1 (c) the person does so knowing that the information is false or  
2 misleading in a material particular.

3 Penalty: Imprisonment for 12 months.

4 (4) A person commits an offence if:

5 (a) a requirement is made of the person under subsection 91(1);  
6 and

7 (b) the person gives a document or record to the Investigator in  
8 accordance with the requirement; and

9 (c) the person does so knowing that the document or record is  
10 false or misleading in a material particular.

11 Penalty: Imprisonment for 12 months.

## 12 **160 Section 94 (heading)**

13 Repeal the heading, substitute:

## 14 **94 Custody of space object or high power rocket**

### 15 **161 Subsection 94(1)**

16 After “an accident”, insert “involving a space object”.

### 17 **162 After subsection 94(1)**

18 Insert:

19 (1A) If an accident involving a high power rocket occurs in  
20 circumstances where:

21 (a) a person dies or suffers serious injury as a result of the  
22 operation of the rocket; or

23 (b) the rocket causes damage to other property;  
24 the rocket or the rocket wreckage concerned and any thing in the  
25 rocket or wreckage is taken to be in the Minister’s custody until an  
26 Investigator is appointed for the accident. The things are then taken  
27 to be in the Investigator’s custody.

### 28 **163 Subsection 94(2)**

29 Omit “any such”, substitute “a”.

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**164 Subsection 94(3)**

Repeal the subsection, substitute:

(3) A person commits an offence if:

(a) the person removes or otherwise interferes with a thing that is in the custody of the Minister or Investigator under subsection (1) or (1A); and

(b) the person removes or otherwise interferes with the thing without:

(i) if the thing is in the custody of the Minister—the Minister’s permission; or

(ii) if the thing is in the custody of the Investigator—the Investigator’s permission.

Penalty: Imprisonment for 6 months.

**165 Paragraphs 94(4)(a) and (d)**

After “space object”, insert “or high power rocket”.

**166 Paragraph 94(4)(d)**

After “the object”, insert “or rocket”.

**167 At the end of subsection 94(4)**

Add:

Note: A defendant bears an evidential burden in relation to the matter in this subsection: see subsection 13.3(3) of the *Criminal Code*.

**168 Section 95 (heading)**

Repeal the heading, substitute:

**95 Suspension of permit, authorisation or certificate after accident****169 Subsection 95(1)**

Omit “launch permit, exemption certificate or section 43 authorisation”, substitute “Australian launch permit, Australian high power rocket permit, return authorisation or authorisation certificate”.

1 **170 Subsections 95(2) and (3)**

2 Omit “permit, certificate or authorisation”, substitute “permit,  
3 authorisation or certificate”.

4 **171 Subsection 96(9) (paragraph (b) of the definition of *safety*  
5 *record*)**

6 After “space object”, insert “or high power rocket”.

7 **172 Section 98**

8 Omit “this Division”, substitute “this Act”.

9 **173 Section 98 (paragraphs (b) and (c) of the definition of  
10 *accident site*)**

11 After “space object”, insert “or high power rocket”.

12 **174 Paragraph 99(1)(e)**

13 After “site”, insert “, the space object, the high power rocket or any  
14 other thing on or in the site”.

15 **175 Paragraph 99(1)(f)**

16 Repeal the paragraph, substitute:

17 (f) make any still or moving image or any recording of the  
18 accident site, the space object, the high power rocket or any  
19 other thing on or in the site;

20 **176 Paragraph 99(1)(k)**

21 After “space object” (wherever occurring), insert “or high power  
22 rocket”.

23 **177 Paragraph 99(1)(k)**

24 Omit “take photographs or video recordings”, substitute “make any still  
25 or moving image or any recording of the thing”.

26 **178 Subsections 101(4) and (5)**

27 Repeal the subsections, substitute:

28 *Offence*

29 (4) A person commits an offence if:

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- 1 (a) the person has been issued with an identity card under this  
2 section; and  
3 (b) the person ceases to be an Investigator; and  
4 (c) the person does not, as soon as practicable after so ceasing,  
5 return the identity card to the Minister.

6 Penalty: 1 penalty unit.

- 7 (5) Subsection (4) does not apply if the identity card was lost or  
8 destroyed.

9 Note: A defendant bears an evidential burden in relation to the matter in this  
10 subsection: see subsection 13.3(3) of the *Criminal Code*.

### 11 **179 Section 103**

12 Repeal the section, substitute:

### 13 **103 Offence to enter or remain on accident site without permission**

14 A person commits an offence if:

- 15 (a) an accident site has been secured under subsection 99(1); and  
16 (b) the person enters or remains on the site without the  
17 Investigator's permission.

18 Penalty: 10 penalty units.

### 19 **180 Before section 104**

20 Insert:

### 21 **103A Simplified outline of this Part**

- 22 

• This Part deals with miscellaneous matters, such as delegation, operation of other laws, immunity and rules.
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23

### 24 **181 Section 104**

25 After "this Act", insert "(except the power under subsection 110(1))".

### 26 **182 Subsection 107(2)**

27 After "Federal Court", insert "or the Federal Circuit Court".

1 **183 After paragraph 108(2)(aa)**

2 Insert:

3 (ab) giving effect to the Chicago Convention; and

4 **184 At the end of subsection 108(3)**

5 Add:

6 ; and (c) the operation of Part 4A were expressly confined to cases in  
7 which the launch party, for the launch of a high power rocket,  
8 is such a corporation.

9 **185 At the end of section 108**

10 Add:

11 (7) This Act also has the effect that it would have if its operation were  
12 expressly confined to matters incidental to the execution of any of  
13 the legislative powers of the Parliament or the executive power of  
14 the Commonwealth.

15 **186 Section 109**

16 Repeal the section.

17 **187 Section 110**

18 Repeal the section, substitute:

19 **110 Rules**

20 (1) The Minister may, by legislative instrument, make rules  
21 prescribing matters:

22 (a) required or permitted by this Act to be prescribed by the  
23 rules; or

24 (b) necessary or convenient to be prescribed for carrying out or  
25 giving effect to this Act.

26 (2) To avoid doubt, the rules may not do the following:

27 (a) create an offence or civil penalty;

28 (b) provide powers of:

29 (i) arrest or detention; or

30 (ii) entry, search or seizure;

31 (c) impose a tax;

- 
- 1 (d) set an amount to be appropriated from the Consolidated  
2 Revenue Fund under an appropriation in this Act;  
3 (e) directly amend the text of this Act.
- 4 (3) Despite subsection 14(2) of the *Legislation Act 2003*, the rules may  
5 make provision in relation to a matter by applying, adopting or  
6 incorporating, with or without modification, any matter contained  
7 in an instrument or other writing as in force or existing from time  
8 to time.

## 9 **188 Schedules 1 to 6**

10 Repeal the Schedules.

## 11 **189 Transitional provisions—existing approvals**

### 12 *Space licence*

- 13 (1) A space licence in force under the *Space Activities Act 1998*  
14 immediately before the commencement of this item covering a  
15 particular launch facility has effect on and after that commencement as  
16 if it were a launch facility licence in force under the *Space (Launches*  
17 *and Returns) Act 2018* covering that launch facility.

### 18 *Launch permit*

- 19 (2) If:
- 20 (a) a launch permit is in force under the *Space Activities Act*  
21 *1998* immediately before the commencement of this item;  
22 and  
23 (b) immediately before that commencement, one or more  
24 launches covered by the permit have not occurred;
- 25 the launch permit has effect on and after that commencement as if it  
26 were an Australian launch permit in force under the *Space (Launches*  
27 *and Returns) Act 2018* covering those launches.

### 28 *Overseas launch certificate*

- 29 (3) If:
- 30 (a) an overseas launch certificate is in force under the *Space*  
31 *Activities Act 1998* immediately before the commencement of  
32 this item; and

1 (b) immediately before that commencement, one or more  
2 launches covered by the certificate have not occurred;  
3 the overseas launch certificate has effect on and after that  
4 commencement as if it were an overseas payload permit in force under  
5 the *Space (Launches and Returns) Act 2018* covering those launches.

6 *Return authorisation*

7 (4) If:  
8 (a) an authorisation under section 43 of the *Space Activities Act*  
9 *1998* is in force immediately before the commencement of  
10 this item; and  
11 (b) immediately before that commencement, one or more returns  
12 covered by the authorisation have not occurred;  
13 then the *Space Activities Act 1998*, as in force immediately before that  
14 commencement, continues to apply on and after that commencement in  
15 relation to that authorisation.

16 *Exemption certificate*

17 (5) If:  
18 (a) an exemption certificate is in force under the *Space Activities*  
19 *Act 1998* immediately before the commencement of this item  
20 in relation to section 11 of that Act; and  
21 (b) immediately before that commencement, the launch  
22 concerned had not occurred;  
23 the exemption certificate has effect on and after that commencement as  
24 if it were an authorisation certificate in force under the *Space (Launches*  
25 *and Returns) Act 2018* in relation to section 12 of that Act and to that  
26 launch.

27 (6) If:  
28 (a) an exemption certificate is in force under the *Space Activities*  
29 *Act 1998* immediately before the commencement of this item  
30 in relation to section 13 of that Act; and  
31 (b) immediately before that commencement, the return  
32 concerned had not occurred;



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1 the exemption certificate has effect on and after that commencement as  
2 if it were an authorisation certificate in force under the *Space (Launches  
3 and Returns) Act 2018* in relation to section 15 of that Act and to that  
4 return.

- 5 (7) An exemption certificate in force under the *Space Activities Act 1998*  
6 immediately before the commencement of this item in relation to  
7 section 15 of that Act and to a particular launch facility has effect on  
8 and after that commencement as if it were an authorisation certificate in  
9 force under the *Space (Launches and Returns) Act 2018* in relation to  
10 section 11 of that Act and to that launch facility.

11 *Limit on application of new sections*

- 12 (8) Sections 27, 37, 46K and 46Y of the *Space (Launches and Returns) Act*  
13 *2018* do not apply to a launch facility licence, an Australian launch  
14 permit, an overseas payload permit or an authorisation certificate  
15 covered by subitem (1), (2), (3), (5), (6) or (7).

16 **190 Transitional provisions—pending applications**

17 *Space licence*

- 18 (1) An application for a space licence that was made before the  
19 commencement of this item but not decided immediately before that  
20 commencement has effect on and after that commencement as if it were  
21 an application for a launch facility licence.

22 *Launch permit*

- 23 (2) An application for a launch permit that was made before the  
24 commencement of this item but not decided immediately before that  
25 commencement has effect on and after that commencement as if it were  
26 an application for an Australian launch permit.

27 *Overseas launch certificate*

- 28 (3) An application for an overseas launch certificate that was made before  
29 the commencement of this item but not decided immediately before that  
30 commencement has effect on and after that commencement as if it were  
31 an application for an overseas payload permit.

1                    *Return authorisation*

2            (4)    If:

- 3                    (a) an application for an authorisation under section 43 of the  
4                                    *Space Activities Act 1998* was made before the  
5                                    commencement of this item; and  
6                    (b) immediately before that commencement, the application had  
7                                    not been decided;

8                    then the *Space Activities Act 1998*, as in force immediately before that  
9                                    commencement, continues to apply on and after that commencement in  
10                                    relation to that application and to any authorisation given as a result of  
11                                    that application.

12            **191 Transitional provisions—other matters**

13            (1)    The Minister may, by legislative instrument, make rules prescribing  
14                                    matters of a transitional nature (including prescribing any saving or  
15                                    application provisions) relating to the amendments or repeals made by  
16                                    this Schedule.

17            (2)    To avoid doubt, the rules may not do the following:

- 18                                    (a) create an offence or civil penalty;  
19                                    (b) provide powers of:  
20    (i) arrest or detention; or  
21    (ii) entry, search or seizure;  
22                                    (c) impose a tax;  
23                                    (d) set an amount to be appropriated from the Consolidated  
24    Revenue Fund under an appropriation in this Act;  
25                                    (e) directly amend the text of this Schedule.

26            (3)    This Schedule (other than subitem (2)) does not limit the rules that may  
27                                    be made for the purposes of subitem (1).

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## **Schedule 2—Consequential amendments**

### ***Customs Tariff Act 1995***

#### **1 Schedule 4 (table item 41)**

Omit “*Space Activities Act 1998*”, substitute “*Space (Launches and Returns) Act 2018*”.

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(170/18)