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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

SPACE ACTIVITIES AMENDMENT (LAUNCHES AND RETURNS) BILL 2018

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Jobs and Innovation, Senator the Honourable
Michaelia Cash)

SPACE ACTIVITIES AMENDMENT (LAUNCHES AND RETURNS) BILL 2018

OUTLINE

The purpose of the Space Activities Amendment (Launches and Returns) Bill 2018 (the Bill) is to amend the *Space Activities Act 1998* (the Act) to ensure safe industry participation, and encourage investment and innovation through legislative simplification. The Act established a regulatory framework for the licensing and safety requirements for space activities in Australia or involving Australian interests. The Act implemented elements of Australia's international obligations under the United Nations space treaties, as listed in section 8 of the Act.

While the existing framework has remained functional for nearly two decades, the operating environment continues to change. This includes both the type of activities being undertaken as well as the new participants involved, including smaller emerging businesses and additional involvement by universities. The Bill amends the Act to address the changing landscape of the space industry.

To date, the Act has predominantly supported the space industry to launch satellites from overseas, where an Australian national is a responsible party. The Bill:

- broadens the regulatory framework to include arrangements for launches from aircraft in flight and launches of high power rockets; and
- reduces barriers to participation in the space industry, by streamlining approval processes and insurance requirements for launches and returns.

A key consideration underpinning the measures in the Bill is to balance the risk of damage, to persons and property, with the benefits of increased participation in the Australian space industry. To accord with international practice and standards, the proportion of risk carried by the Commonwealth has been adjusted and the level of insurance/financial responsibility required by participants reduced.

The Bill provides that the insurance required for each authorised launch or return will be specified in subordinate legislation ('rules'), noting that the amount will not exceed \$100 million. This represents a significant reduction from the former requirement of the Act of an amount not less than \$750 million (or maximum probable loss) and is consistent with comparable requirements in other nations. The Bill moves the detail of the insurance requirements from the Act to the rules, which will allow for greater flexibility to update requirements as the nature of space activities evolves. The rules will be disallowable instruments, agreed by Parliament.

FINANCIAL IMPACT STATEMENT

The Bill provides for a person making an application for a licence, permit or authorisation under the Act to pay the Commonwealth the relevant fee prescribed by the rules.

The prescribed fees will operate on a cost recovery model in accordance with the *Australian Government Cost Recovery Guidelines*. The prescribed fees will be set out in the rules to provide flexibility to update the model as required, based on periodic review.

STATEMENT OF COMPATABILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill/Disallowable Legislative Instrument

The Space Activities Amendment (Launches and Returns) Bill 2018 (the Bill) will provide for the enhancement of the system for the regulation of space activities conducted from Australia or by Australians overseas, so as to ensure the safety of activities and to implement certain of Australia's obligations under the United Nations Space Treaties.

The Bill provides a regulatory framework which reduces barriers to participation while appropriately balancing safety/risk of potential damage with the national interest.

The purpose of the Bill is to ensure safe industry participation, and encourage investment and innovation through legislative simplification.

Human rights implications

This Bill engages the following:

- the right to privacy in Article 17 of the *International Covenant on Civil and Political Rights* (the ICCPR); and
- the right to freedom of opinion and expression in Article 19 of the ICCPR.

Limiting the Right to Privacy

Article 17 of the ICCPR provides that no one is subject to arbitrary or unlawful interference with their privacy. Item 107 of the Bill amends subsection 62(1) of the *Space Activities Act 1998* (the Act) and provides that the Minister may publish a notice setting out appropriate information regarding an authorisation under the Act. Where a notice relates to an individual it may include the name of the individual, but must not include any other personal information (within the meaning of the *Privacy Act 1988*).

Publishing notices is a domestic extension to Australia's obligations under the United Nations Convention on Registration of Objects Launched into Outer Space. The register may protect public health by serving as a source of information for activities authorised under the Bill. For example, published notices will provide the public, including industry participants, with information about authorisations of high powered rocket or space launches and whether activities have been revoked, suspended, varied or transferred.

The published notices will inform the public of activities under the Act. Where applications are made by individuals, the notice may be restricted to the individual's name. To ensure the

effective collection and use of personal information, all guidance material and application forms will detail what personal information is collected and how it will be used.

The limitation is reasonable, necessary and proportionate as item 107 of the Bill prohibits the inclusion of any other personal information and publication of an individual's name is discretionary.

Limiting the right to freedom of opinion and expression

Article 19(2) of the ICCPR provides that everyone has the right to freedom of expression. Item 171 of the Bill amends the definition of *safety record* in section 96 of the Act to apply to high power rockets. Under subsection 96(1) of the Act, an investigation officer must not, directly or indirectly, disclose or give a safety record to any person or court. As the measure limits a person's right to communicate certain information, it engages and limits the right to freedom of expression in article 19(2) of the ICCPR.

Article 19(3) of the ICCPR provides that the freedom of expression may be limited if it is necessary to achieve a legitimate purpose, such as being necessary in the interests of respecting the rights or reputations of others. The Act already limits the freedom of expression in respect of the safety records relating to space objects, and the Bill expands that provision for high power rockets, as it is necessary in the interests of respecting the rights and reputation of others.

The limitation is reasonable, necessary and proportionate and does not apply to the Minister as part of an investigation report or to criminal proceedings. Further, an investigation officer is not prohibited from disclosing or giving a safety record to a court if the court is satisfied that its disclosure is in the public interest.

Conclusion

The Bill is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

The Minister for Jobs and Innovation

Senator the Honourable Michaelia Cash

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NOTES ON CLAUSES

Clause 1: Short title

1. This is a formal provision specifying that the short title is to be cited as the *Space Activities Amendment (Launches and Returns) Act 2018*.

Clause 2: Commencement

2. The table in this clause sets out the commencement date for when the provisions of the Space Activities Amendment (Launches and Returns) Bill 2018 (the Bill) commence. The Bill will commence on either the day of proclamation, or 12 months from the date of Royal Assent. The delay in commencement is to provide time for the subordinate legislation to be drafted thereby aligning commencement of the full regulatory package.

Clause 3: Schedules

3. This clause is a machinery clause that gives effect to the provisions in the Schedules to the Bill.

Schedule 1—Main Amendments

Space Activities Act 1998

Item 1: Title

4. This item amends the long title of the *Space Activities Act 1998* (the Act) to include high power rockets.

Item 2: Before Section 1

5. This item inserts a new heading to identify that Division 1 of the Act addresses preliminary provisions.

Item 3: Section 1

6. This item amends the short title of the Act to more accurately reflect its scope.

Item 4: Paragraph 3(b)

7. This item amends the objects of the Act to include the regulation of the launch of high power rockets and to ensure that a reasonable balance is achieved between industry participation and the safety of space activities, including the risk of damage to persons or property.

Item 5: Paragraph 3(c)

8. This item amends paragraph 3(c) of the Act as a consequence of the repeal of paragraph 3(d) (see item 6).

Item 6: Paragraph 3(d)

9. This item amends the objectives of the Act by removing reference to the implementation of certain obligations under specified space cooperation agreements. This is not intended to reduce or remove any obligations, as Australia remains a signatory to the United Nations Space Treaty.

Item 7: Section 4

10. This item amends the simplified outline of the Act to provide a more useful summary of the substantive provisions of the Act.

Item 8: After section 6

11. This item inserts new section 6A to clarify that the Act has extraterritorial operation and that section 14.1 of the *Criminal Code* does not apply to an offence provision in the Act.

Item 9: Part 2 (heading)

12. This item replaces the Part 2 heading and substitutes it with a new heading to Division 2—Definitions into Part 1 of the Act.

Item 10: Section 8

13. This item inserts a new definition of **aircraft**, as the Act now regulates the launch of space objects from Australian aircraft or foreign aircraft in airspace over Australian territory.

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

14. This item removes the definition of ***approved scientific or educational organisation*** as it is no longer referred to in the Act.

Item 12: Section 8

15. This item inserts definitions for:
- a. ***Astronauts and Objects Agreement*** and provides a short title for the agreement;
 - b. ***Australian aircraft*** (refer to item 10);
 - c. ***Australian high power rocket permit***;
 - d. ***Australian Launch Permit***, which replaces the definition of ***Launch Permit*** repealed at item 26.

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

16. This item expands the definition of ***Australian national*** to include Australian residents (which is inserted by item 14). This makes the regulatory framework for the launch or return of space objects and launch of high power rockets applicable to Australian residents.

Item 14: Section 8

17. This item inserts definitions for:

- a. ***Australian resident*** as a person living in Australia with a permanent visa, as per the *Migration Act 1958*;
- b. ***Australian territory***, to stipulate what is considered a territory of Australia for the purposes of the Act;
- c. ***Authorisation certificate***, as a certificate issued under new section 46U—this certificate replaces exemption certificates and provides authorisation for activities not otherwise covered within the Act;
- d. ***Chicago Convention***, which provides a short title for the Convention on International Civil Aviation.

Item 15: Section 8 (definition of *civil penalty provision*)

18. This item replaces the definition of ***civil penalty provision*** to align it with the meaning given in the *Regulatory Powers (Standards Provisions) Act 2014* (the Regulatory Powers Act).

Item 16: Section 8 (definition of *damage*)

19. This item replaces the definition of ***damage*** with one that includes damage in relation to both space objects and high power rockets.

Item 17: Section 8 (definition of *exemption certificate*)

20. This item repeals the definition of ***exemption certificate*** which has been replaced by the definition of ***authorisation certificate*** (see item 14).

Item 18: Section 8

21. This item inserts definitions for:

- a. the ***Federal Circuit Court***;
- b. the ***Federal Court***;
- c. ***Foreign aircraft***—this definition is required because a launch of space objects may occur from Australian aircraft or foreign aircraft in airspace over Australian territory.

Item 19: Section 8 (definition of *gross negligence*)

22. This item amends the definition of ***gross negligence*** to refer to rules instead of regulations.

Item 20: Section 8

23. This item inserts a definition for ***high power rocket*** and makes it clear that the definition will be prescribed by the rules. This provides the flexibility for the definition to be readily updated when necessary to maintain currency with changing technology.

Items 21 and 22: Section 8 (definition of *insured amount*)

24. These items amend the definition of ***insured amount*** to reference the amended terminology for permits and authorisations, as well as adding a new approval for high power rockets.

Item 23: Section 8 (definition of *intergovernmental agreement with Russia*)

25. This item removes the definition of ***intergovernmental agreement with Russia*** as it is no longer referred to in the Act.

Item 24: Section 8 (definition of *launch*)

26. This item expands the definition of ***launch*** to:

- a. specify that space objects include the whole or a part of the object; and
- b. include the launch of high power rockets into an area that is not beyond 100km above mean sea level.

Item 25: Section 8

27. This item inserts definitions for:

- a. ***launch facility licence***, as a licence granted under new section 18;
- b. ***launch party***, for the purpose of launching a high power rocket.

Item 26: Section 8 (definition of *launch permit*)

28. This item removes the definition of ***launch permit*** as it is no longer referred to in the Act.

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

29. This item replaces the definition of ***Launch Safety Officer*** to apply to both:

- a. a launch of a space object covered by an Australian launch permit; and
- b. a return of a space object to Australia covered by an Australian launch permit or a return authorisation.

Item 28: Section 8 (definition of *launch vehicle*)

30. This item removes the definition of ***launch vehicle*** as the ordinary meaning is considered appropriate.

Item 29: Section 8 (definition of *Liability Convention*)

31. This item provides a short title for the Convention on International Liability for Damage Caused by Space Objects. The associated note includes detail on where the Convention could be accessed as at 2018.

Items 30 and 31: Section 8 (paragraphs (a) and (b) of the definition of *liability period* and at the end of the definition of *liability period*)

32. These items amend the definition of *liability period* to refer to rules instead of regulations and to include a liability period for the launch of a high power rocket.

Item 32: Section 8 (definition of *licensed launch facility*)

33. This item amends the definition of *licensed launch facility* to reference the amended terminology of *launch facility licence* (which replaces the term *space licence*).

Item 33: Section 8

34. This item inserts new definitions for:

- a. ***Moon and other Celestial Bodies Agreement***—this provides a short title for the Agreement Governing the Activities of States on the Moon and other Celestial Bodies and the associated note includes detail on where the Agreement could be accessed as at 2018;
- b. ***Outer Space Treaty***—this provides a short title to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space and the associated note includes detail on where the Treaty could be accessed as at 2018.

Items 34 and 35: Section 8 (definitions of *overseas launch certificate* and *overseas payload permit*)

35. These items repeal the definition of *overseas launch certificate* and replaces it with *overseas payload permit*, which is defined with reference to new section 46B of the Act.

Item 36: Section 8 (definition of *payload*)

36. This item repeals the definition of *payload*, as the ordinary meaning is considered sufficient.

Item 37: Section 8 (definition of *Registration Convention*)

37. This item replaces the definition of ***Registration Convention*** to provide a short title for the Convention on Registration of Objects Launched into Outer Space. The associated note includes detail on where the Convention could be accessed as at 2018.

Item 38: Section 8

38. This item inserts a definition of ***Regulatory Powers Act***, providing a short title for the *Regulatory Powers (Standard Provisions) Act 2014*.

Items 39 to 47: Section 8 (definition of *responsible party*)

39. These items amend the definition of *responsible party* to reference the amended terminology used in the Act.

40. Item 41 removes the reference to authorisation given by agreement between the Minister and another person.

41. Item 46 substitutes references to regulations for rules.
42. Item 47 extends the definition of **responsible party** to include circumstances where an overseas launch occurs from a mobile platform or a space object is returned to a place outside Australia.

Item 48: Section 8

43. This item inserts definitions for:
- a. **return authorisation**, which refers to an authorisation under new section 46L of the Act;
 - b. **rules**, which means the legislative instruments made by the Minister under new section 110 of the Act.

Item 49: Section 8 (definition of *space licence*)

44. This item repeals the definition of **space licence** as it is no longer referred to in the Act.

Item 50: Subsection 8(1) (definition of *space object*)

45. This item replaces the definition of **space object** to simplify the meaning and remove terminology that is no longer in the Act.

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

46. This item repeals the definition of **standard launch permit condition** as it is no longer referred to in the Act.

Item 52: Section 8 (definition of *third party*)

47. This item extends the definition of **third party** to high power rocket launches.

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

48. This item amends the definition of **UN space treaties** to refer to the short titles of the treaties.

Item 54: Sections 8A to 8C

49. Sections 8A to 8C of the Act are repealed as a consequence of the amendments made by item 94 of the Bill, which provides a broader discretion for the Minister to waive fees.

Item 55: After subsection 9(1)

50. This item extends the definition of **related party** to cover launches of high power rockets.

Item 56: Subsection 9(2)

51. This item amends the definition of **related party** to refer to rules instead of regulations.

Item 57: At the end of subsection 9(2)

52. This item amends subsection 9(2) to add a reference to ‘launch party’, which applies to the launch of high power rockets.

Item 58: Part 3 (heading)

53. This item amends the heading for Part 3 of the Act to include a reference to high power rockets.

Item 59: Section 10

54. This item adds a new Division 1A heading and amends the simplified outline to provide a general guide to the provisions of Part 3.

Item 60: Division 1 of Part 3 (heading)

55. This item amends the heading of Division 1 of Part 3 of the Act to identify that it addresses offences and civil penalties.

Item 61: Sections 11 to 15

56. This item replaces sections 11 to 15 with new sections 11 to 15A and provides the circumstances in which an offence is committed and the civil and criminal penalties that apply. As more space objects and high power rockets are launched and returned, either in Australia or elsewhere, the risk of serious damage to a person or property increases. As a consequence, ensuring compliance with the requirements of the Act is critical to minimising these risks. The Act’s compliance measures provide a stronger and more suitable framework to deter non-compliance and, in circumstances where it does occur, applies penalties that are appropriately commensurate with the seriousness of the offence. Penalty Units are defined in section 4AA of the *Crimes Act 1914*.

Item 62: Section 16 (example)

57. This item amends the example to reference the new terminology ‘launch facility licence’ and ‘Australian launch permit’.

Item 63: Divisions 2 to 6 of Part 3

58. This item repeals Divisions 2 to 6 and replaces them new Divisions 2 to 6A that provide the terms and conditions for launch facility licences, Australian launch permits, Australian high power rocket permits, overseas payload permits, and return authorisations.

59. The inclusion of Australian high power rocket permits recognises the evolving nature of space technologies and provides a regulatory framework for the safe launching and return of these rockets.

60. These Divisions support the objects of the Bill and will ensure safe industry participation, as well as encourage investment and innovation through legislative simplification. Where

applicable and practicable, the terms and conditions for agreeing to issue launch facility licences, Australian launch permits, Australian high power rocket permits, overseas payload permits, and return authorisations are consistently applied.

61. The new Divisions also apply penalty provisions in respect of any breach of a launch facility licence, Australian launch permit, Australian high power rocket permit, overseas payload permits, and return authorisation, which are commensurate with the seriousness of the offence.

New Division 2 – Launch facility licences

62. New section 18 sets out the specific criteria that the Minister must be satisfied with in order to grant a launch facility licence for a particular launch facility in Australia.
63. New section 19 sets out the terms for a launch facility licence including the day on which it comes into force, the period of the licence and provides that the licence is subject to any conditions specified under new section 20.
64. New section 20 prescribes the conditions for a standard launch facility licence, including providing the Minister with any information requested under new section 60 and any other licence condition prescribed by the rules.
65. New section 21 prescribes a civil penalty of 1,000 penalty units should a holder of a launch facility licence breach a condition of the licence (refer to item 61 for the rationale regarding the imposition of a civil penalty).
66. New section 22 enables the Minister to transfer a launch facility licence to another person. It also provides for the time at which any such transfer would take effect, the requirements for giving notice in respect of the transfer, makes it clear that the licence is subject to all conditions that were in force prior to the transfer, and that the licence is valid for the same period as originally specified.
67. New section 23 makes it explicit that the Minister may vary or revoke a launch facility licence. The Minister is also required to notify the licensee of the variation or revocation, including specifying the day on which it is to take effect.
68. New section 24 requires that applications for granting, variation or transfer of a launch facility licence must be made in accordance with the rules. New subsection 24(2) provides that the rules may set times for lodging documents.
69. New section 25 sets out the process that the Minister must follow if the Minister considers that there are grounds for the variation, revocation or transfer of a launch facility licence, other than at the request of the licensee.
70. New section 26 enables the Minister to write to a licensee suspending a launch facility licence if the licensee has contravened a condition of the licence, or if the Minister

believes that as a consequence of security, defence or international relations of Australia the licence should be suspended. A notice of suspension from the Minister must specify the day on which it takes effect. New subsection 26(3) provides that while a launch facility licence has no effect when suspended, the period of the licence continues to run despite the suspension. New subsections 26(4), (5) and (6) enable the Minister to revoke a suspension, subject to giving notice of the revocation, and vary or revoke a launch facility licence while suspended.

71. New section 27 details the basis on which a launch facility licence is granted and makes it clear that no compensation is payable if a licence is transferred, revoked, varied or suspended in accordance with new sections 22, 23 and 26 or under later legislation.

New Division 3 – Australian launch permits

72. New section 28 enables the Minister to grant an Australian launch permit authorising the launch of space objects. New subsection 28(2) provides that an Australian launch permit may also authorise the return of space objects. New subsection 28(3) sets out the specific criteria that must be met in order for the Minister to grant an Australian launch permit. If the space object is to be launched by another launching State, the Minister may also give consideration to whether or not the foreign country has entered into an agreement with Australia to assume any liability and indemnify Australia for any damage that the space object(s) may cause under new subsection 28(4). New subsection 28(5) makes it clear that the Minister is not limited by subsections 28(3) and (4) in his or her considerations of whether or not to grant an Australian launch permit.
73. New subsection 29(1) details the terms of an Australian launch permit including the day on which the permit comes into force, the period of the permit and any conditions applied to the permit. New subsection 29(2) provides that the period of a permit may end on the occurrence of an event rather than at a particular time. The determination of an event may be set out in the rules. The Minister may write to a permit holder at any time during the period the permit is in force, extending the period it remains in force under new subsection 29(3).
74. New section 30 sets out the standard conditions for an Australian launch permit, including requiring that launches and any associated returns are not conducted in a way that would cause substantial harm to public health or safety or cause substantial damage to property (paragraph 30(a)). Space objects must not be, or contain, a nuclear weapon or a weapon of mass destruction of any kind under paragraph 30(b) and must not contain an unapproved nuclear power source under paragraph 30(c). Paragraph 30(d) requires that a permit holder must satisfy the insurance/financial requirements of Division 7, as well as meeting any of the conditions set out in the rules (paragraph 30(e)).
75. New subsection 31(1) provides that if a permit holder contravenes a condition of permit under paragraphs 30(a) to (d) inclusive, the permit holder has committed an offence, the penalty for which ranges from 10 years imprisonment and/or 5,500 penalty units for an

individual or 100,000 penalty units for a body corporate. In addition, the contravention of a condition of the permit may attract a civil penalty of 1,000 penalty units under new subsection 31(2) (refer to item 61 for the rationale regarding the imposition of a civil penalty).

76. New section 32 enables the Minister to transfer an Australian launch permit to another person. It also provides for the time at which any such transfer would take effect; the requirements for giving notice in respect of the transfer; that the permit continues to cover the same launch facility, Australian aircraft or foreign aircraft and the same space object or objects; and makes it clear that the permit is subject to all conditions that were in force prior to the transfer and that the permit is valid for the same period as originally specified.
77. New section 33 makes it explicit that the Minister may vary or revoke a launch permit. However, the Minister is also required to notify the permit holder of the variation or revocation, including specifying the day on which it is to take effect.
78. New subsection 34(1) requires that an application for the granting, variation or transfer of an Australian launch permit must be made in accordance with the rules. Any application for a permit must include a debris mitigation strategy under new subsection 34(2); and must address the matters prescribed in the rules (new subsection 34(3)). However the strategy may address matters beyond those set out in the rules, as set out in new subsection 34(4).
79. New section 35 sets out the process that the Minister must follow if they consider that there are grounds for the variation, revocation or transfer of an Australian launch permit, other than at the request of the permit holder.
80. New section 36 enables the Minister to write to a permit holder suspending an Australian launch permit if the permit holder has contravened a condition of the permit or if the Minister believes that as a consequence of security, defence or international relations of Australia, or that an incident involving a space object covered by the permit occurred during the liability period for the launch or return of the object, the permit should be suspended. A notice of suspension from the Minister must specify the day on which it takes effect. New subsection 36(3) provides that while an Australian launch permit has no effect when suspended, the period of the permit continues to run despite the suspension. New subsections 36(4), (5) and (6) enable the Minister to revoke a suspension, subject to giving notice of the revocation, and vary or revoke an Australian launch permit while suspended.
81. New section 37 details the basis on which an Australian launch permit is granted and makes it clear that no compensation is payable if a permit is transferred, revoked, varied or suspended in accordance with new sections 32, 33 and 36 or under later legislation.

New Division 4 – Australian high power rockets

82. New section 38 enables the Minister to grant a permit authorising the launch of high power rockets. New subsection 38(2) specifies the criteria the Minister must be satisfied are met before granting a permit. Paragraph 38(2)(e) allows additional criteria to be prescribed by the rules.
83. New section 39 details the terms of an Australian high power rocket permit, including the day on which the permit comes into force, the period of the permit and any conditions applied to the permit under new subsection 39(1). New subsection 39(2) provides that the period of a permit may end on the occurrence of an event rather than at a particular time. The determination of an event may be set out in the rules. The Minister may write to a permit holder at any time during the period the permit is in force, extending the period it remains in force under new subsection 39(3).
84. New section 40 sets out the standard conditions for an Australian high power rocket permit, including requiring that the launch is not conducted in a way that would cause substantial harm to public health or safety or cause substantial damage to property (paragraph 40(a)); satisfy the insurance/financial requirements of Division 7 (paragraph 40(b)); and any of the conditions set out in the rules (paragraph 40(c)).
85. New section 41 prescribes a criminal offence where a holder of an Australian high power rocket permit contravenes a standard permit condition under paragraphs 40(a) and (b), which relate to the causation of substantial harm to public health or safety, damage to property and compliance with insurance/financial requirements. A permit holder is also liable for a civil penalty when any condition of a permit is contravened (refer to item 61 for the rationale regarding the imposition of a civil penalty).
86. New section 42 enables the Minister to transfer an Australian high power rocket permit to another person. It also provides for the time at which any such transfer would take effect, the requirements for giving notice in respect of the transfer, that the permit continues to cover the same facility or place and the same high power rocket. It also makes it clear that the permit is subject to all conditions that were in force immediately prior to the transfer and that the permit is valid for the same period as originally specified.
87. New section 43 makes it explicit that the Minister may vary or revoke a high power rocket permit. However, the Minister is also required to notify the permit holder of the variation or revocation, including specifying the day on which it is to take effect.
88. New section 44 requires that an application for the granting, variation or transfer of an Australian high power rocket permit must be made in accordance with the rules.
89. New section 45 sets out the process that the Minister must follow if they consider that there are grounds for the variation, revocation or transfer of an Australian high power rocket permit, other than at the request of the permit holder.

90. New section 46 enables the Minister to write to a permit holder suspending an Australian high power rocket permit if the permit holder has contravened a condition of the permit or if the Minister believes that as a consequence of security, defence or international relations of Australia the permit should be suspended, or an incident involving the high power rocket covered by the permit occurs during the liability period for the launches of the rocket. A notice of suspension from the Minister must specify the day on which it takes effect. New subsection 46(3) provides that while an Australian high power rocket permit has no effect when suspended, the period of the permit continues to run despite the suspension. New subsections 46(4), (5) and (6) enable the Minister to revoke a suspension, subject to giving notice of the revocation, and vary or revoke an Australian high power rocket permit while suspended.
91. New section 46A details the basis on which an Australian high power rocket permit is granted and makes it clear that no compensation is payable if a permit is transferred, revoked, varied or suspended in accordance with new sections 42, 43 and 46 or under later legislation.

New Division 5 – Overseas payload permits

92. New section 46B enables the Minister to grant an overseas payload permit authorising the launch of space object(s) or a series of launches of space objects from a specified facility or place, fixed or mobile, outside Australia. New subsection 46B(2) makes it clear that the Minister must be satisfied that: either the insurance and financial requirements set out in Division 7 are met or the Minister has notified the person in writing that they do not need to be satisfied; the probability of the launch causing substantial harm to public health or safety or substantial damage to property is sufficiently low; that there are no security, defence or international relations of Australia reasons for not granting the permit; and any other criteria set out in the rules are met; whether or not the other launching state has entered into an agreement with Australia to assume liability and indemnify Australia for any damage that the space object(s) may cause (new subsection 46B(3)). New subsection 46B(4) makes it clear that the Minister is not limited by subsections 46B(2) and (3) in his or her considerations of whether or not to grant an Australian overseas payload permit.
93. New section 46C sets out the terms for an overseas payload permit including the day on which the permit comes into force, the period of the overseas payload permit and any conditions applied to the permit under new subsection 46C(1). New subsection 46C(2) provides that the period of the overseas payload permit may end on the occurrence of an event rather than at a particular time. The determination of an event may be set out in the rules. The Minister may write to an overseas payload permit holder at any time during the period the permit is in force, extending the period it remains in force under new subsection 46C(3).

94. New section 46D provides that the contravention of a condition of an overseas payload permit may attract a civil penalty of 1,000 penalty units (refer to item 61 for the rationale regarding the imposition of a civil penalty).
95. New section 46E enables the Minister to transfer an overseas payload permit to another person. It also provides for the time at which any such transfer would take effect, the requirements for giving notice in respect of the transfer, that the permit continues to cover the same facility or place, the same launch vehicle and the same space object or objects, and makes it clear that the permit is subject to all conditions that were in force prior to the transfer and that the permit is valid for the same period as originally specified.
96. New section 46F provides that the Minister may vary or revoke an overseas payload permit. However, the Minister is also required to notify the permit holder of the variation or revocation, including specifying the day on which it is to take effect.
97. New section 46G requires that an application for the granting, variation or transfer of an overseas payload permit must be made in accordance with the rules. Any application for a permit must include a debris mitigation strategy under new subsection 46G(2) and must address the matters prescribed in the rules under new subsection 46G(3). However, the strategy may address matters beyond those set out in the rules (new subsection 46G(4)).
98. New section 46H sets out the process that the Minister must follow if they consider that there are grounds for the variation, revocation or transfer of an Australian overseas payload permit, other than at the request of the permit holder.
99. New subsection 46J(1) enables the Minister to write to a permit holder suspending an Australian overseas payload permit: if the permit holder has contravened a condition of the permit; where applicable, failed to satisfy the insurance/financial requirements of Division 7; or as a consequence of security, defence or international relations of Australia the permit should be suspended. A notice of suspension from the Minister must specify the day on which it takes effect. New subsection 46J(3) provides that while an overseas payload permit has no effect when suspended, the period of the permit continues to run despite the suspension. New subsections 46J(4), (5) and (6) enable the Minister to revoke a suspension, subject to giving notice of the revocation, and vary or revoke an overseas payload permit while suspended.
100. New section 46K details the basis on which an overseas payload permit is granted and makes it clear that no compensation is payable if a permit is transferred, revoked, varied or suspended in accordance with new sections 46E, 46F and 46J or under later legislation.

New Division 6 – Returns and authorisations

101. New section 46L enables the Minister to give a return authorisation for the return of a space object(s), or a series of returns of space objects in or outside Australia. New subsection 46L(2) makes it clear that the Minister must be satisfied that: the person carrying out the return is competent; the insurance/financial requirements set out in

Division 7 are met; the probability of the return(s) causing substantial harm to public health or safety or substantial damage to property are as low as reasonably practicable; the space objects are not and do not contain a nuclear weapon or weapon of mass destruction; there are no security, defence or international relations of Australia reasons for not granting the permit; and any other criteria set out in the rules are met. These requirements apply whether or not a launching State has entered into an agreement with Australia to assume any liability and indemnifies Australia for any damage that the space object(s) may cause under new subsections 46L(2) and (3). New subsection 46L(4) makes it clear that the Minister is not limited by subsections 46L(2) and (3) in his or her consideration of whether or not to grant a return authorisation. Any return authorisation is subject to any conditions set out in the authorisation.

102. New subsection 46M(1) makes it clear that the holder of a return authorisation has committed an offence if: a space object is returned in a way that is likely to cause substantial harm to public health or safety or cause substantial damage to property; contains a nuclear weapon or a weapon of mass destruction of any kind; contains an unapproved nuclear power source; or fails to satisfy the insurance/financial requirements of Division 7. The penalty for an offence ranges from 10 years imprisonment and/or 5,500 penalty units for an individual or 100,000 penalty units for a body corporate. In addition, a space object that is returned in a way that: causes substantial harm to public health or safety or cause substantial damage to property; contains a nuclear weapon or a weapon of mass destruction of any kind; contains an unapproved nuclear power source; or fails to satisfy the insurance/financial requirements of Division 7, may attract a civil penalty of 1,000 penalty units under new subsection 46M(2) (refer to item 61 for the rationale regarding the imposition of a criminal and civil penalties).
103. New section 46N makes it clear that if the holder of a return authorisation were to breach a condition of the authorisation, the holder may attract a civil penalty of 1,000 penalty units (refer to item 61 for the rationale regarding the imposition of a criminal and civil penalties).
104. New section 46P sets out the process that the Minister must follow if they consider that there are grounds for the varying or revoking of a return authorisation.
105. New section 46Q requires that an application for the giving or variation of a return authorisation must be made in accordance with the rules.
106. New section 46R sets out the process that the Minister must follow if they consider that there are grounds for the variation or revocation or transfer of a return authorisation, other than at the request of the permit holder.
107. New section 46S enables the Minister to, in writing, suspend a return authorisation: if the holder has contravened a condition of the authorisation; as a consequence of security, defence or international relations of Australia the permit should be suspended; or there is an incident involving the space object during the liability period for the return of the

object. A notice of suspension from the Minister must specify the day on which it takes effect. New subsection 46S(3) provides that while a return authorisation has no effect when suspended, new subsections 46S(4), (5) and (6) enable the Minister to revoke a suspension, subject to giving notice of the revocation, and vary or revoke a return authorisation while suspended.

108. New section 46T details the basis on which a return authorisation is given and makes it clear that no compensation is payable if a permit is revoked, varied or suspended in accordance with new sections 46P and 46S or under later legislation.

New Division 6A – Authorisation certificates

109. New subsection 46U(1) enables the Minister to issue an authorisation certificate in respect of conduct specified in: new section 11, a launch facility licence; new section 12, the launching of a space object; new section 13, the launching of a high powered rocket; new section 14, the launching of a space object outside Australia; new section 15, the return of a space object to Australia; and new section 15A, the return of a space object outside Australia. New subsection 46U(2) provides that the rules may set out the matters which the Minister must take into account in deciding to issue an authorisation certificate. The rules do not limit the matters that the Minister may take into account under new subsection 46U(3). The Minister must table a copy of an authorisation certificate in each House of the Parliament within seven sitting days of the certificate being issued (new subsection 46U(4)).
110. Note 1 to subsection 46(1) in the Act has been rewritten as new section 46X to expressly provide that the Minister may vary or revoke an authorisation certificate. The note to subsection 46(2) of the Act has been rewritten as new subsection 46U(3) to expressly provide that the operation of subsection 46U(2) does not limit the matters to which the Minister may have regard to in deciding to issue an authorisation certificate.
111. New subsection 46V(1) details the terms of an authorisation certificate, including the day on which the authorisation certificate comes into force or when a specified event happens, the period of the authorisation certificate, and makes reference to conditions applied to the authorisation certificate. New subsection 46V(2) provides that the period of a permit may end on the occurrence of an event. The determination of an event may be set out in the rules. The Minister may write to an authorisation certificate holder at any time during the period the authorisation certificate is in force, extending the period it remains in force under new subsection 46V(3) and the authorisation certificate is subject to any conditions specified under new subsection 46V(4).
112. New section 46W provides that the contravention of a condition of an authorisation certificate may attract a civil penalty of 1,000 penalty units.
113. New section 46X sets out the process that the Minister must follow if they consider that there are grounds for the varying or revoking of an authorisation certificate.

114. New section 46Y details the basis on which an authorisation certificate is given and makes it clear that no compensation is payable if a permit is revoked, varied or suspended in accordance with new section 46X or under later legislation.

Item 64: Subsection 47(1)

115. This item is consequential to the inclusion of new Division 6 of Part 3 in respect of the insurance/financial requirements.

Item 65: Subsection 47(2)

116. This item is consequential to new Divisions 2 to 6 of Part 3 and reflects new terminology used in the Act.

Item 66: Paragraph 47(2)(b)

117. This item substitutes references to regulations for rules.

Item 67: Paragraph 47(2)(b)

118. This item is consequential to item 71 and reflects updated numbering for provisions relating to minimum insurance requirements.

Item 68: Before subsection 48(1)

119. This item is consequential to item 69 and incorporates new terminology used in the Act.

Item 69: Paragraphs 48(1)(a) and (b)

120. This item replaces paragraphs 48(1)(a) and (b) to reflect updated terminology used in the Act.

Item 70: Paragraphs 48(1)(c) and (d)

121. This item is consequential to item 71 and reflects updated numbering for provisions relating to minimum insurance requirements.

Item 71: Subsections 48(2) and (3)

122. This item, replaces subsections 48(2) and (3) to reflect updated terminology for space object launches and returns, as well as specifying the requirements for high power rocket launches, and a return authorised by a return authorisation. New subsection 48(4) sets out the minimum amount of insurance required for each launch or return, which must be equal to the lesser of the amount specified in the rules (which must not exceed \$100 million) or the amount calculated using the method prescribed in the rules. This is a significant reduction from the previously prescribed amount of \$750 million, and is consistent with international standards. This reduction in the insurance amount is balanced by the Act's new compliance measures which provide a stronger and more suitable framework to deter non-compliance and, in circumstances where it does occur, applies penalties that are appropriately commensurate with the seriousness of the offence.

Item 72: Sections 50 and 51

123. This item replaces sections 50 and 51, extending the role of the Launch Safety Officer to include the oversight of activities relating to a return authorisation. New subsection 50(1) requires the Minister to appoint a Launch Safety Officer for the launch and/or return of a space object in Australia that is covered by either an Australian launch permit or a return authorisation. The provisions clarify that the Launch Safety Officer may be appointed for more than one launch or return (new subsection 50(2)) and allows the Minister to revoke the appointment (new subsection 50(3)). New section 51 revises the functions of the Launch Safety Officer including requiring: that the notices are given in accordance with the rules; ensuring that no person or property is endangered by a launch or return; and monitoring the compliance of the person holding the Australian launch permit or return authorisation. These new sections are part of strengthening the compliance framework of the Act.

Item 73: Subsection 52(1)

124. This item amends subsection 52(1) to reflect new terminology used in the Act.

Item 74: Subsection 52(2)

125. This item amends subsection 52(2) to remove terminology that is no longer used in the Act.

Item 75: Paragraph 52(2)(a)

126. This item replaces paragraph 52(2)(a) and adds new paragraph 52(2)(aa), which outlines the powers of a Launch Safety Officer in relation to launches of space objects from a launch facility in Australia and an aircraft in Australia, which is a new activity in the Act.

Item 76: Paragraph 52(2)(b)

127. This item amends paragraph 52(2)(b) to provide clarification that it applies to the holder of an Australian launch permit or return authorisation.

Item 77: Paragraphs 52(2)(c) and (d)

128. This item amends paragraphs 52(2)(c) and (d) to provide clarification that directions issued by a Launch Safety Officer must be in writing.

Item 78: Subsection 52(3)

129. This item replaces subsection 52(3) and provides that a Launch Safety Officer may require a written response confirming action taken in respect of a written direction issued.

Item 79: Subsection 52(4)

130. This item amends subsection 52(4) to require a Launch Safety Officer, if asked, to produce identification. Where they fail to comply, they are prevented from exercising

their powers. The subsection has been amended to confirm that it applies at launch facilities in Australia and in or on an aircraft.

Item 80: Paragraph 52(4)(a)

131. This item amends paragraph 52(4)(a) to reflect new terminology used in the Act.

Item 81: Subsection 52(5)

132. This item amends subsection 52(5) to reflect new terminology used in the Act.

Item 82: At the end of section 52

133. This item inserts new subsection 52(6) which requires the Launch Safety Officer to provide the Minister with copies of any written directions issued under paragraphs 52(2)(c) and (d) within 10 business days. This ensures the Minister is fully informed of all actions undertaken by the Launch Safety Officer and can respond where appropriate and necessary, including suspending activities as provided for within the Act.

Item 83: Sections 53 and 54

134. This item repeals sections 53 and 54 and replaces them with new section 53. The section provides that an offence, with a penalty of 100 penalty units, is committed if a person is issued a direction under paragraph 52(c) or (d) and does not comply with that direction. The section clarifies that a person commits an offence through either an act or an omission which contravenes a direction, whereas the repealed section was silent as to whether a failure to comply could be an act or an omission. As more space objects and high power rockets are launched and returned, either in Australia or elsewhere, the risk of serious damage to a person or property increases. As a consequence, ensuring compliance with the requirements of the Act is critical to minimising these risks. The Act's strong compliance measures provide a stronger and more suitable framework to deter non-compliance, including a strengthening of the investigative powers of the Launch Safety Officer and, in circumstances where offences occur, applies penalties that are appropriately commensurate with the seriousness of the offence.

Item 84: Subsection 55(1)

135. This item amends subsection 55(1) to remove terminology that is no longer used in the Act.

Item 85: Subsection 55(2)

136. This item amends subsection 55(2) to reflect new terminology used in the Act.

Items 86 to 90: Subsection 56(1), paragraph 56(1)(a) and subparagraphs 56(1)(b)(i) and (ii)

137. These items amend the relevant subsection, paragraph and subparagraphs to remove or replace terminology that is no longer used in the Act. Items 88 to 90 extend a Launch Safety Officer's powers of seizure in emergency situations to launches from an aircraft.

Items 91 and 92: Section 57

138. These items amend section 57 to remove terminology that is no longer used in the Act.

Item 93: Subsections 58(1) and (3)

139. This item amends subsections 58(1) and (3) to reflect new terminology used in the Act.

Item 94: Section 59

140. This item replaces section 59 with new provisions relating to fees. The fees are to be set out in the rules, which provides the flexibility for setting fees or the method for calculating the fees that can be appropriately updated to ensure they remain consistent with the Government's charging framework. The item also provides for the rules to set out the basis on which the Minister may exercise discretion to waive or partially waive a fee. This discretion will allow the Minister to consider applications from organisations, including but not limited to scientific, educational, not-for-profit groups or small businesses, where the capacity to pay the prescribed fees may be limited.

141. New subsection 59(1) specifies which applications must pay the relevant fees as set out in the rules, which may be set by specifying an amount or the method for calculating the fee (new subsection 59(2)). New subsection 59(3) makes it clear that a fee must not amount to taxation, while new subsection 59(4) enables the rules to specify the time of payment. The rules may also provide for fees to be paid in instalments (new subsection 59(5)) or set out the circumstances where the Minister may waive a fee in full or in part (new subsection 59(6)). New subsection 59(7) provides that a decision in respect of an application will not be made until the fee is paid. Where a fee due for payment remains unpaid, that amount is a debt to the Commonwealth and may be recovered (new subsection 59(8)).

Items 95 to 100: Paragraphs 60(a) and (b), after paragraph 60(b), paragraphs 60(c) and (d) and section 60

142. These items amend section 60 to reflect new terminology used in the Act.

Items 101 to 106: Paragraphs 61(a) to (l)

143. These items amend paragraphs 61(a) to (l) to reflect new terminology used in the Act.

Item 107: Section 62

144. This item repeals and replaces section 62 to enable the Minister to publish appropriate information on the Department's website in respect of licences, permits, authorisations and certificates granted, varied, revoked, suspended or transferred. Information on the Department's website is more readily accessible to the public than notices that are gazetted and will provide an up-to-date source of information of activities authorised under the Act.

Item 108: Before Division 1 of Part 4

145. This item inserts a new heading and general outline for Division 1A of Part 4.

Item 109: Subparagraph 63(1)(a)(i)

146. This item amends subparagraph 63(1)(a)(i) to include damage from launches from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory, as this is a new activity under the Act.

Item 110: Paragraph 63(2)(a)

147. This item revises paragraph 63(2)(a) to include ‘or area’. This amendment provides the necessary flexibility to ensure that where a returning object may cause damage, the coverage of the liability applies to the area to which it may return as well as a specified place. This is because it is difficult to determine the place to which a space object may return, but an area can be determined.

Item 111: Subparagraph 63(2A)(a)(i)

148. This item amends subparagraph 63(2A)(a)(i) to include damage from launches from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory, as this is a new activity under the Act.

Item 112: Paragraph 63(2A)(b)

149. This item revises paragraph 63(2A)(b) to include ‘or area’. This amendment provides the necessary flexibility to ensure that where a returning object may cause damage the coverage of the liability applies to the area to which it may return as well as a specified place. This is because it is difficult to determine the place to which a space object may return, but an area can be determined.

Item 113: Paragraph 63(3)(d)

150. This items amend paragraph 63(3)(d) to reflect new terminology used in the Act.

Item 114: Subsection 64(2) (note)

151. This item amends the note to remove the reference to section 65, which is repealed by item 115.

Item 115: Section 65

152. This item repeals section 65, which provided that the regulations may make provisions in relation to waivers as it has proven to be unnecessary and its removal simplifies the Act.

Item 116: Paragraph 66(a)

153. This item amends paragraph 66(a) to ensure that liability for third party damage is specifically extended to damage caused by a space object launched from an Australian

aircraft that is in flight or from a foreign aircraft that is in airspace over Australian territory.

Items 117 to 122: Paragraphs 69(1)(a) and (b), 69(2)(a) and (b), subsection 69(3) and paragraphs 69(4)(a) and (b)

154. These items amend section 69 to reflect new terminology used in the Act.

Item 123: Paragraph 70(a)

155. This item amends paragraph 70(a) to ensure that launches from an Australian aircraft in flight or from a foreign aircraft that is in airspace over Australian territory is included as a launch within Australia.

Items 124 and 125: Section 72 (heading) and section 72

156. These items amend section 72 to extend the jurisdiction to hear and determine actions for compensation for damages, to which Part 4 applies, to include the Federal Circuit Court.

Item 126 to 128: Paragraphs 73(2)(a) and 74(2)(b)

157. These items amend paragraphs 73(2)(a) and 74(2)(b) to reflect new terminology used in the Act.

Item 129: After Part 4

158. This item inserts new Part 4A, which provides for liability for damage by high power rockets. The inclusion of an Australian high power rocket permit in the Act recognises the evolving nature of space technologies and provides a regulatory framework for the safe launching and return of these rockets. As more space objects and high power rockets are launched and returned, either in Australia or elsewhere, the risk of serious damage to a person or property increases. The Act provides that the Commonwealth is liable for up to \$3 billion in compensation for damage caused by the launch or return of a space object or high power rocket. The provisions of new Part 4A are consistent with those of Part 4, which provides for liability for damage caused by space objects.

New Division 1 – Simplified outline of this Part

159. New section 75A adds a simplified outline to provide a general guide to the provisions of new Part 4A.

New Division 2 – Scope of Part

160. New subsection 75B(1) makes it clear that Part 4A applies to damage caused by a high power rocket if it is launched from a facility, fixed or mobile, in Australia and the damage occurs during the liability period. New subsection 75B(2) provides that the damage can occur on Earth or in the air, in Australia or outside it, and regardless of whether or not the launch was authorised or covered by an authorisation certificate.

161. New section 75C makes it clear that compensation for damage caused by a high power rocket to a third party is only payable in accordance with Part 4A.

New Division 3 – Liability for third party damage

162. New subsection 75D(1) provides that a high power rocket launch party is liable to pay compensation if the rocket causes damage to a third party on Earth or in the air. However, new subsection 75D(2) limits the liability to the extent that the damage is a result of negligence or conduct intended to cause damage of the third party.

163. New section 75E sets out the limit of a permit holder’s liability. New subsection 75E(1) makes it clear the section only applies if the damage was caused by the launch of a high power rocket authorised by a permit, and was not the result of a breach of that permit by the launch party or related third party engaged in with intent to cause the damage or from the negligence of the launching party or a related party. The launch party is not liable to pay compensation in excess of the insured amount for the permit (new subsection 75E(2)). New subsection 75E(3) makes it clear that where the launch party has paid compensation equal to the insured amount, and would be liable to pay further compensation in excess of the insured amount to Australian nationals, then the Commonwealth is liable to pay that excess amount capped at \$3 billion. New subsection 75E(4) appropriates the Consolidated Revenue Fund for any payment made under subsection 75E(3).

New Division 4 – Procedure etc.

164. New section 75F makes it clear that the Federal Court and the Federal Circuit Court have jurisdiction to hear and determine actions for compensation made under Part 4A.

165. New section 75G sets out when an application for damage caused by the launch of a high power rocket must be made.

Item 130: Part 5 (heading)

166. This item repeals and replaces the heading to Part 5 to reflect that ‘Space Objects’ is a defined term in the Act.

Item 131: Before section 76

167. This item inserts a simplified outline of Part 5.

Item 132: Subsection 76(2)

168. This item amends subsection 76(2) to reflect new terminology used in the Act.

Item 133: Paragraph 76(2)(g)

169. This item amends paragraph 76(2)(g) to provide clarity on what is covered by ‘particulars’. Including the prescription of particulars in the rules also provides the flexibility to update them as required.

Item 134: At the end of section 76

170. This item inserts new subsection 76(5) which requires the Minister to ensure the Register of Space Objects is published on the Department's website.

Item 135: Subsection 77(1)

171. This item amends subsection 77(1) to reflect new terminology used in the Act.

Item 136: Sections 78 and 79

172. This item repeals sections 78 and 79 as a consequence of new subsection 76(5). As the Register will be publically available on the Department's website, details that were contained in sections 78 and 79 on how to access the Register are no longer relevant.

Item 137: Part 5A

173. This item repeals Part 5A, and simplifies the Act by removing the provisions relating to the implementation of obligations under space cooperation agreements. This is not intended to reduce or remove any obligations, as the agreements remain in force.

Item 138: Part 6

174. This item repeals and substitutes Part 6. As more space objects and high power rockets are launched and returned, either in Australia or elsewhere, the risk of serious damage to a person or property increases. The Act's strong compliance measures provide a stronger and more suitable framework to deter non-compliance, including civil penalties and, in circumstances where it does occur, applies civil penalties that are appropriately commensurate with the seriousness of the offence. This also simplifies the Act, as it calls up the enforcement powers under the Regulatory Powers Act for civil penalties incurred under the Act.

175. New section 80 sets out a simplified outline for the Part.

176. New section 81 provides that the civil penalty provisions of the Act: are enforceable under Part 4 of the Regulatory Powers Act; make the Minister an authorised applicant; provide that the relevant courts are the Federal Court and the Federal Circuit Court; and are extended to every external Territory.

Item 139: Before Division 1 of Part 7

177. This item inserts new Division 1A of Part 7. New section 83 provides a simplified outline for the Part which summarises when investigators are able to investigate accidents or incidents.

Item 140: Section 84

178. This item amends section 84 to add a subsection number to facilitate the addition of new subsection (2) to the provision (refer to item 143).

Item 141: Paragraph 84(a)

179. This item amends paragraph 84(a) to broaden the scope of the Part to include accidents involving space objects launched from aircraft in airspace over Australian territory.

Item 142: Paragraph 84(b)

180. This item amends paragraph 84(b) to clarify that an object may return to a place or area, due to the difficulty in identifying a place with specificity.

Item 143: At the end of section 84

181. This item adds new subsection 84(2) in order to include the investigation of accidents involving high power rockets, consistent with the scope of the activities regulated under the Act.

Items 144 and 145: Section 85 and paragraphs 85(a) and (b)

182. These items amend section 85 and paragraphs 85(a) and (b) to include references to high power rockets.

Item 146: Paragraph 85(b)

183. This item amends paragraph 85(b) to clarify that the damage to property caused by a space object (and not just the space object itself) is included in the meaning of 'accident'.

Item 147: Paragraph 85(b)

184. This item amends paragraph 85(b) to refer to rules instead of regulations.

Items 148 and 149: Section 86

185. These items amend section 86 to include references to high power rockets.

Items 150 and 151: Subsection 88(1)

186. These items amend subsection 88(1) to include a heading and additional text to make it clear that the subsections relates to accidents involving a space object.

Item 152: After subsection 88(1)

187. This item inserts two new subsections 88(1A) and (1B). New subsection 88(1A) requires the Minister to appoint an Investigator where a person dies or suffers serious injury, or property is damaged, as a result of a high power rocket accident. Under new subsection 88(1B), the Minister has a discretion to appoint an Investigator where only the high power rocket itself is destroyed or seriously damaged.

Items 153 and 154: Before subsections 88(2) and (3)

188. These items insert headings to subsections 88(2) and (3) to signpost the provisions of the Act.

Item 155: Subsection 90(2)

189. This item amends subsection 90(2) to refer to rules instead of regulations.

Item 156: Paragraph 91(1)(b)

190. This item amends paragraph 91(1)(b) to allow an Investigator to gather information about a high power rocket accident.

Item 157: Subsection 91(7)

191. This item amends subsection 91(7) to refer to rules instead of regulations.

Item 158: Subsection 92(1)

192. This item repeals and replaces subsection 92(1) to update the language in accordance with current drafting practices.

Item 159: Subsections 92(3) and (4)

193. This item repeals and substitutes subsections 92(3) and (4) to update the language in accordance with current drafting practices.

Items 160 to 162: Section 94 (heading), subsection 94(1) and after subsection 94(1)

194. Item 160 updates the heading to section 94 to ‘Custody of space object or high power rocket’.

195. Item 161 clarifies that subsection 94(1) applies to accidents involving space objects.

196. Item 162 inserts new subsection 94(1A) for accidents involving high power rockets. This clause is substantially the same as subsection 94(1) which relates to space objects. It ensures that the scene is not contaminated where there is death or a serious injury, or damage to other property (that is, not the rocket itself), and the rocket or rocket wreckage remains in Commonwealth control. Given the potential liability that may be incurred by the Commonwealth, the chain of custody is critical to ensuring an accident is investigated properly.

Item 163: Subsection 94(2)

197. This item amends subsection 94(2) to simplify the language and improve the readability of the provision.

Item 164: Subsection 94(3)

198. This item repeals and replaces subsection 94(3) to update the language in accordance with current drafting practices.

Item 165: Paragraphs 94(4)(a) and (d)

199. This item amends paragraphs 94(4)(a) and (d) to provide that a person does not commit an offence by disturbing an accident site to extract a person from a high power rocket wreckage.

Item 166: Paragraph 94(4)(d)

200. This item amends paragraph 94(4)(d) to ensure that in addition to a space object, a high power rocket which crashes on water or is wrecked on water can be moved to a safe place.

Item 167: At the end of subsection 94(4)

201. This item inserts a note which identifies that subsection 13.3(3) of the *Criminal Code* applies to a person seeking to prove that their action was necessary under subsection 94(4) of the Act.

Items 168 to 170: Section 95 (heading), subsections 95(1), (2) and (3)

202. These items amend the section 95 heading and subsections 95(1), (2) and (3) to reflect new terminology used in the Act.

Item 171: Subsection 96(9) (paragraph (b) of the definition of *safety record*)

203. This item amends subsection 96(9) to broaden the definition of *safety record* to include communications between persons involved in operating a high power rocket that is involved in an accident or incident.

Item 172: Section 98

204. This item amends section 98 to clarify that the definitions of *accident site* and *accident site premises* apply to the Act.

Item 173: Section 98 (paragraphs (b) and (c) of the definition of *accident site*)

205. This item amends section 98 to broaden the definition of *accident site* to include sites on which there has been a high power rocket involved in an accident or an impact point caused by a high power rocket.

Item 174: Paragraph 99(1)(e)

206. This item amends paragraph 99(1)(e) to clarify that, in addition to the accident site, an Investigator may search ‘the space object, the high power rocket or any other thing on or in the site’.

Item 175: Paragraph 99(1)(f)

207. This item repeals and substitutes paragraph 99(1)(f) to use language consistent with paragraph 19(d) of the Regulatory Powers Act, and also broadens the powers of an Investigator to enter an accident site to make images or recordings of the high power rocket involved in an accident.

Items 176 and 177: Paragraph 99(1)(k)

208. These items amend paragraph 99(1)(k) to use language consistent with paragraph 19(d) of the Regulatory Powers Act, and also broadens the powers of an Investigator to enter an accident site to remove items relating to a high power rocket accident from the accident site premises.

Item 178: Subsections 101(4) and (5)

209. This item repeals and substitutes subsections 101(4) and (5). New subsection 101(4) updates the language in accordance with current drafting practices.

Item 179: Section 103

210. This item repeals and substitutes section 103 to update the language in accordance with current drafting practices.

Item 180: Before section 104

211. This item inserts new section 103A which is a simplified outline for Part 8.

Item 181: Section 104

212. This item amends section 104 to clarify that that the Minister's ability to delegate does not extend to making rules under subsection 110(1).

Item 182: Subsection 107(2)

213. This item amends subsection 107(2) to include the Federal Circuit Court as a court that a person may take proceedings for the recovery of compensation from the Commonwealth.

Item 183: After paragraph 108(2)(aa)

214. This item inserts new paragraph 108(2)(ab) to provide that the Act has the effect it would have if its operation were expressly confined to giving effect to the Chicago Convention.

Item 184: At the end of subsection 108(3)

215. This item inserts new paragraph 108(3)(c) to provide that the Act also has the effect it would have if the operation of Part 4A concerning the liability for damage caused by high power rockets were confined to cases where the launch party is a corporation.

Item 185: At the end of section 108

216. This item inserts new subsection 108(7), which makes it clear that the Act also has the effect that it would have if its operation were expressly confined to matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.

Item 186: Section 109

217. This item repeals section 109 as it was a transitional provision that related to agreements for launches or returns made before 11 November 1998 (the commencement of the Act) and is now redundant.

Item 187: Section 110

218. This item repeals and replaces section 110 to refer to the making of rules instead of regulations. This new section provides increased flexibility as the rules can be updated when necessary to maintain currency with changing government policy, subject to the limitations set out in the section.

219. New subsection 110(1) makes it clear that the Minister may, by legislative instrument, make rules for matters required or permitted by the Act and necessary or convenient for carrying out or giving effect to the provisions of the Act. New subsection 110(2) provides that the rules must not: create an offence or civil penalty; provide powers of arrest or detention, or entry, search or seizure; impose a tax; set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in the Act; or directly amend the text of the Act. New subsection 110(3) makes it clear that despite subsection 14(2) of the *Legislation Act 2013* the rules can apply, adopt or incorporate, with or without modification, any matter contained in any other instrument or writing as in force or existing at the time when the provisions of a legislative instrument commence.

Item 188: Schedules 1 to 6

220. This item repeals Schedules 1 to 6 which are the United Nations space treaties and space cooperation agreements to which Australia is a signatory. These documents are not required to be annexed to the Act as they can be readily accessed online separately. The definitions section contains notes on where the documents could be accessed as at 2018. The removal of these documents is not intended to reduce or remove any obligations.

Item 189: Transitional Provisions – existing approvals

221. This item inserts transitional provisions for existing approvals, as it would be unreasonable for a person who has been granted a permit/ authorisation under the current Act to take any action or reapply as a result of the amendments to the Act.

Item 190: Transitional provisions – pending applications

222. This item inserts transitional provisions for pending applications, as it would be unreasonable to require a person who has made an application under the current Act to make a new application as a result of the amendments to the Act.

Item 191: Transitional provisions – other matters

223. To ensure a smooth transition to the Act, this item provides that the Minister may make transitional provisions for existing approvals.

Schedule 2—Consequential amendments

Customs Tariff Act 1995

Item 1: Schedule 4 (table item 41)

224. This item amends Schedule 4 of the *Customs Tariff Act 1995* to update the reference to the short title of the Act to the *Space (Launches and Returns) Act 2018*, as amended by item 3 of Schedule 1 to the Bill.