



# **Space (Launches and Returns) Legislation Amendment (Regulatory Reform) Rules 2024**

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I, Ed Husic, Minister for Industry and Science, make the following rules.

Dated: 30 January 2025

Ed Husic  
Minister for Industry and Science

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## Contents

1 Name .....	1
2 Commencement.....	1
3 Authority .....	1
4 Schedules.....	1
<b>Schedule 1—Refining application process for launch facility licences</b>	<b>2</b>
<i>Space (Launches and Returns) (General) Rules 2019</i>	2
<b>Schedule 2—Meaning of accident</b>	<b>3</b>
<i>Space (Launches and Returns) (General) Rules 2019</i>	3
<b>Schedule 3—Suitably qualified expert and delegations</b>	<b>3</b>
<i>Space (Launches and Returns) (General) Rules 2019</i>	5
<i>Space (Launches and Returns) (High Power Rocket) Rules 2019</i>	6
<b>Schedule 4—Other amendments</b>	<b>5</b>
<i>Space (Launches and Returns) (General) Rules 2019</i>	8
<i>Space (Launches and Returns) (High Power Rocket) Rules 2019</i>	9



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# 1 Name

This instrument is the *Space (Launches and Returns) Legislation Amendment (Regulatory Reform) Rules 2024*.

# 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

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

# 3 Authority

This instrument is made under the *Space (Launches and Returns) Act 2018*.

# 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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# Schedule 1—Refining application process for launch facility licences

## *Space (Launches and Returns) (General) Rules 2019*

### **1 Subdivision A of Division 3 of Part 2 (heading)**

Repeal the heading.

### **2 Subdivision B of Division 3 of Part 2 (heading)**

Repeal the heading.

### **3 Section 12**

Repeal the section.

### **4 Subdivision C of Division 3 of Part 2 (heading)**

Repeal the heading.

### **5 Section 17**

Repeal the section.

### **6 Subdivision D of Division 3 of Part 2 (heading)**

Repeal the heading.

### **7 Section 23**

Repeal the section.

### **8 At the end of section 24**

Add:

Note: For example, an approval required under a planning or development law, or a law to protect cultural heritage, before the launch facility can be constructed (which may require, before approval is given, consultation with groups affected by the construction of the launch facility).

### **9 Subdivision E of Division 3 of Part 2 (heading)**

Repeal the heading.

### **10 Subsection 33(1)**

Omit “Subdivisions B, C and D of”.

### **11 Subsection 33(2)**

Omit “(that is, without a request from the Minister under subsection 17(1) or 23(1))”.

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## Schedule 2—Meaning of accident

### *Space (Launches and Returns) (General) Rules 2019*

#### **1 Section 4 (after paragraph (a) of the definition of *stated purpose*)**

Insert:

- (aa) for the return of a space object in accordance with an Australian launch permit—the explanation as to why the object is to be returned set out in the application (including any variations to the application) for the permit under section 46 of this instrument; and

#### **2 Paragraph 46(1)(f)**

Repeal the paragraph, substitute:

- (f) if a space object connected with the launch is to be returned—the following:
  - (i) an explanation as to why the object is to be returned;
  - (ii) the period for the return and the return windows within that period.

#### **3 Section 121**

Repeal the section, substitute:

#### **121 Prescribed circumstances in which the destruction of, or damage by, space objects etc. are not accidents**

- (1) For the purposes of paragraph 85(b) of the Act, this section prescribes circumstances in which a space object or high power rocket being destroyed or seriously damaged, or causing damage to other property, is not an accident.

*Destruction of or damage to space object or rocket—no accident if consistent with stated purpose of launch*

- (2) In relation to a space object or high power rocket being destroyed or seriously damaged, the circumstances are that:
  - (a) any of the following apply:
    - (i) the space object is launched or returned in accordance with an Australian launch permit;
    - (ii) the space object is returned in accordance with a return authorisation;
    - (iii) the high power rocket is launched in accordance with an Australian high power rocket permit; and
  - (b) the destruction or damage is consistent with the stated purpose of the launch or return; and
  - (c) the flight or return is not terminated by operation of the flight safety system.
- (3) However, subsection (2) does not apply if the property of a third party is damaged by the destruction or damage mentioned in that subsection.

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*Damage to other property—no accident unless third-party property affected*

- (4) In relation to a space object or high power rocket causing damage to other property, the circumstances are that the damaged property does not include the property of a third party.

Note: If a space object or a high power rocket causes damage to the property of a third party, an accident occurs for the purposes of the Act.

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## Schedule 3—Suitably qualified expert and delegations

### *Space (Launches and Returns) (General) Rules 2019*

#### **1 Subsection 37(4)**

Omit “who is approved by the Minister”, substitute “who is approved under section 124A to perform the analysis”.

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

Omit “who is approved by the Minister”, substitute “who is approved under section 124A to perform the analysis”.

#### **3 Subsection 53(3)**

Omit “who is approved by the Minister”, substitute “who is approved under section 124A to give the written confirmation”.

#### **4 Paragraph 98(2)(a)**

Omit “who is approved by the Minister”, substitute “who is approved under section 124A to perform the analysis”.

#### **5 Subsection 99(3)**

Omit “who is approved by the Minister”, substitute “who is approved under section 124A to give the written confirmation”.

#### **6 Section 124 (heading)**

Repeal the heading, substitute:

#### **124 Delegation by the Minister**

#### **7 After section 124**

Insert:

#### **124A Approval of suitably qualified experts**

- (1) The Minister may, by writing, approve a person as a suitably qualified expert to give a statement or confirmation, or perform an analysis, for the purposes of any or all of subsection 37(4), 52(2), 53(3), 98(2) and 99(3).

Note 1: The approval may be for one or more statements, confirmations or analyses—see paragraph 23(b) the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

Note 2: The approval may be for a class or classes of statements, confirmations or analyses—see subsection 33(3AB) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

Note 3: The Minister may amend or repeal the approval—see subsection 33(3) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

- (2) The approval must specify that it remains in force:
- (a) until revoked by the Minister; or

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- (b) for a specified period; or
  - (c) until the happening, or the cessation, of a specified event.
- (3) The Minister may approve a person only if satisfied that the person is a suitably qualified expert in relation to the matters covered by the approval.

## ***Space (Launches and Returns) (High Power Rocket) Rules 2019***

### **8 Subsection 26(3)**

Omit “who is approved by the Minister”, substitute “who is approved under section 43B to give the written confirmation”.

### **9 Subsection 26(4)**

Repeal the subsection, substitute:

Note: The expert can be the same expert who gave the written confirmation under subsection 25(6). However, the expert still needs to be approved for the purposes of this subsection.

### **10 After Part 3**

Insert:

## **Part 3A—Miscellaneous**

### **43A Delegation by the Minister**

- (1) The Minister may, by writing, delegate any of the Minister’s powers or functions under this instrument to:
- (a) the Secretary of the Department; or
  - (b) the Head of the Agency; or
  - (c) an SES employee, or acting SES employee, in the Department.
- (2) In doing anything under a delegation under this section, the delegate must comply with any directions of the Minister.

### **43B Approval of suitably qualified experts**

- (1) The Minister may, by writing, approve a person as a suitably qualified expert to give a confirmation for the purposes of subsection 26(3).

Note 1: The approval may be for one or more confirmations—see paragraph 23(b) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

Note 2: The approval may be for a class or classes of confirmations—see subsection 33(3AB) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

Note 3: The Minister may amend or repeal the approval—see subsection 33(3) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

- (2) The approval must specify that it remains in force:
- (a) until revoked by the Minister; or
  - (b) for a specified period; or
  - (c) until the happening, or the cessation, of a specified event.

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- (3) The Minister may approve a person only if satisfied that the person is a suitably qualified expert in relation to the matters covered by the approval.

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# Schedule 4—Other amendments

## *Space (Launches and Returns) (General) Rules 2019*

### 1 Paragraph 9(4)(b)

Omit “license”, substitute “licence”.

### 2 Subsection 16(3)

Omit “an auditor”, substitute “a qualified accountant (within the meaning of the *Corporations Act 2001*)”.

### 3 Paragraph 112(2)(c)

Omit “application”, substitute “applicant”.

### 4 Paragraphs 120(2)(a) and (4)(a)

Omit “30 days”, substitute “20 days”.

### 5 At the end of Part 10

Add:

## 126 Amendments made by the *Space (Launches and Returns) Legislation Amendment (Regulatory Reform) Rules 2024*

### *Application of amendments*

- (1) This table deals with the application of amendments made to this instrument by the *Space (Launches and Returns) Legislation Amendment (Regulatory Reform) Rules 2024* (the **amending instrument**).

Application of amendments	
Column 1	Column 2
The amendments made by the amending instrument to:	apply in relation to:
1 Division 3 of Part 2 (application for grant of launch facility licence)	applications for launch facility licences made on or after the day this section commences
2 Division 5 of Part 2 (application for transfer of launch facility licence)	applications for transfers of launch facility licences made on or after the day this section commences
3 Division 2 of Part 3 (standard Australian launch permit conditions)	Australian launch permits granted on or after the day this section commences
4 Division 3 of Part 3 (application for grant of Australian launch permit)	applications for Australian launch permits made on or after the day this section commences
5 Division 2 of Part 5 (application for giving of return authorisation)	applications for return authorisations made on or after the day this section commences

*Approval of suitably qualified experts before commencement unaffected*

- (2) The amending instrument does not affect the approval of any suitably qualified expert who is, immediately before this section commences, approved by the Minister.

*Power to approve suitably qualified experts for pre-commencement applications*

- (3) Despite subsection (1), the Minister may, for an application to which the amendments made by the amending instrument do not apply, approve a person as a suitably qualified expert under section 124A.

***Space (Launches and Returns) (High Power Rocket) Rules 2019***

**6 At the end of Part 4**

Add:

**45 Amendments made by the *Space (Launches and Returns) Legislation Amendment (Regulatory Reform) Rules 2024***

*Application of amendments*

- (1) This table deals with the application of amendments made to this instrument by the *Space (Launches and Returns) Legislation Amendment (Regulatory Reform) Rules 2024* (the **amending instrument**).

<b>Application of amendments</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>The amendments made by the amending instrument to:</b>	<b>apply in relation to:</b>
1 Division 3 of Part 3 (application for grant of Australian high power rocket permit)	applications for high power rocket permits made on or after the day this section commences

*Approval of suitably qualified experts before commencement unaffected*

- (2) The amending instrument does not affect the approval of any suitably qualified expert who is, immediately before this section commences, approved by the Minister.

*Power to approve suitably qualified experts for pre-commencement applications*

- (3) Despite subsection (1), the Minister may, for an application to which the amendments made by the amending instrument do not apply, approve a person as a suitably qualified expert under section 43B.