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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

**SPACE ACTIVITIES BILL 1998**

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Industry, Science and Resources  
Senator the Honorable Nick Minchin

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## **SPACE ACTIVITIES BILL 1998**

### **GENERAL OUTLINE**

#### **I. Purpose of the Bill**

The Bill institutes a comprehensive regulatory framework for space activities in Australia or involving Australian interests. This will enable Australia to attract investment by commercial interests, while ensuring that Australia meets its obligations under United Nations (UN) space treaties and that Australia's national interests are properly safeguarded.

The Bill is being introduced at a time when several Australian firms are pursuing commercial launch service projects which are in various stages of development, and there is a reasonable expectation that at least one of these projects is likely to proceed in the near future. Other proponents are well advanced with the planning of launch facilities at Australian sites. The Bill is intended to ensure the safe operation of these and other future satellite launch and associated activities, in accordance with Australia's international obligations.

There is at present no existing legislative or regulatory framework that provides appropriate regulation (including licensing, safety and liability) for Australian space launch activities. Australian and overseas proponents of launch services in Australia have emphasised the need for a legislative framework in order to secure the investment needed for commercial success.

Australia is a signatory to the five UN space treaties which include provisions that place direct responsibility (unlimited liability) on the Commonwealth for damage caused to other countries and their nationals by rockets (privately or publicly owned) launched from Australia. The three treaties of most significance for Australia, as a space launching nation, are:

- the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies
- the Convention on International Liability for Damage Caused by Space Objects
- the Convention on Registration of Objects Launched into Outer Space

The Liability Convention imposes international liability on signatory nations for damage caused to persons or property in third party nations by all 'space objects' launched from the nation-state's territory/facility or whose launch was procured by the nation, its agencies or non-governmental entities.

In addition to the liability provisions, nations are also responsible under Article IX of the UN Outer Space Treaty for harmful contamination and avoidance of adverse changes to the Earth's environment. In the case of a launch from Australia, the Commonwealth would be held responsible whether or not it is itself involved with the launch.

As the Commonwealth has no legislation for controlling the launch of 'space objects', Australian corporations (or individuals) could launch from Australia (or procure a launch overseas), rendering the Commonwealth liable under the UN Treaties. In addition, should the launch vehicle or payload contain hazardous substances, eg radioactive materials, the Commonwealth could be liable for any contamination of the environment.

The Bill ensures that the party responsible for a launch has covered these areas of risk through commercial insurance, as no legislative mechanism currently exists to enforce such a requirement. The Bill will clearly establish and apportion liability for any damage caused by Australian space launch activities. An appropriate level of commercial insurance cover, or

financial responsibility, will thus be a prerequisite for obtaining a space licence and launch permit by a responsible party.

The Bill establishes a licensing and safety regime, consistent with our international obligations and gives rise to requirements for the safe launch from and return to Australia of space objects. These provisions will reflect in an Australian law, Australia's obligations as a signatory to the key United Nations space treaties, and provide a legally certain and predictable environment for the development and operation of Australian space launch facilities.

### **Other Legislation**

The Bill requires no consequential amendment of other Commonwealth legislation.

### **FINANCIAL IMPACT STATEMENT**

The Bill has no significant impact on Commonwealth expenditure or revenue, apart from an appropriation in the budget for 1998-99 which included a new outlay of \$1.3 million for the establishment of a Space Licensing and Safety Office to administer the Act. Once the Space Licensing and Safety Office is operational the ongoing costs of the Office will be met by the launch permit and space licence fees. The Office will initially employ around five staff, one of whom would be present at any launch.

It is not possible to quantify the costs and benefits to individual participants in the industry, as much will depend on the nature of the commercial activities in which they are engaged.

### **REGULATION IMPACT STATEMENT**

#### **(FOR AN AUSTRALIAN REGULATORY FRAMEWORK FOR COMMERCIAL SPACE ACTIVITIES)**

##### **A. IDENTIFICATION AND SPECIFICATION OF REGULATORY OBJECTIVES**

1. Three consortia are currently pursuing projects to establish commercial satellite launch facilities in Australia, one in Queensland, one at Christmas Island in the Indian Ocean and one at Woomera Prohibited Area in South Australia. Kistler Aerospace Corporation, a US company, signed an operations agreement with the Commonwealth last April to develop and operate a commercial space launch facility at Woomera. Kistler's Australian subsidiary, Kistler Woomera Pty Ltd, plans to commence trial launches in early 1999, and subject to a successful trials program will initiate its commercial launch service later next year. The Queensland project, for a commercial light launch service near Gladstone using Russian launch technology, is well advanced and may commence launching within three years.

2. These launch consortia are seeking to have a clear legislative and regulatory framework put in place before the end of 1998, to promote investor confidence and to enable the safe and efficient operation of commercial space launch activities in Australia.

3. This legislation is essential to establish and apportion liability for any damage caused by Australian space activities, and to set out a licensing and safety regime consistent with domestic requirements and international obligations. Australia is already liable at international law for past and current space launch activities in Australia, and for Australian satellites launched from overseas sites. The absence of domestic legislative and regulatory provisions governing Australia's activities as a 'launch state' imposes risk on the Commonwealth for loss of life,

injury or damage to third parties arising from any incident for which Australia could be held responsible under its UN Outer Space Treaty and Liability Convention obligations.

4. The Prime Minister has agreed to bring forward Commonwealth legislation for space activities. The Bill, the proposed *Space Activities Act 1998*, is now introduced.

5. As Australia currently has no commercial space launch industry, a new body of regulation will be required to mandate and regulate the activities of this industry and its operators. The activities which the Government will be required to regulate are:

- (a) Operation of a launch site within Australia;
- (b) Procurement of an overseas launch by Australia, and
- (c) Launch and recovery of a space vehicle

6. While these activities are regulated under domestic law in other launch states, in accordance with international protocols and practices, Australia's lack of a legal basis or administrative framework for the authorisation of launch activities places the Commonwealth at considerable financial risk.<sup>1</sup> This imposes a requirement to institute a space activities licensing agency responsible for a broad range of licensing, registration, mission safety and verification activities. These tasks would be undertaken in addition to existing Commonwealth responsibility for space policy development, inter-agency liaison, industry development, United Nations space treaty obligations and inter-governmental agreements, which are currently administered by the Department of Industry, Science and Resources (DISR).

## **B. IDENTIFICATION OF ALTERNATIVES**

7. As realisation of the current launch proposals will establish a new and radically different industry to any now operating in Australia, it is clear that existing laws have only marginal applicability to the operation of space launch activities. Furthermore, the risks inherent in space launch operations dictate close monitoring and supervision of launch activities to protect the community from unsafe practices. As existing industrial law and regulations make no provision for the licensing of space launch activities, new codes of practice will need to be introduced and a new mechanism developed for their implementation. In considering options for the structure, organisation and resourcing of a launch licensing body, the Department addressed the following questions:

### **Can any of the regulatory tasks be more effectively undertaken by existing government departments or agencies?**

8. Alternative regulatory mechanisms which could wholly or partly achieve our objective have been considered in detailed consultation with relevant regulatory agencies. The focus of these discussions has been whether any such agency has the expertise, knowledge and resources to assume, wholly or partly, responsibility for the regulatory functions associated with the licensing and certification of commercial space launches. Commonwealth agencies which have been approached include the Civil Aviation Safety Authority, Bureau of Air Safety Investigation and the Australian Maritime Safety Authority. The existing aviation policy, regulatory and safety

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<sup>1</sup> For example, the \$US500m Japanese remote sensing satellite ADEOS-1 was rendered inoperable on 30 June 1997. Initially, it was believed that the satellite had been damaged by space debris. As space debris is closely monitored by NORAD, it may be possible to identify the country of origin of debris, the government of which could be held wholly liable, as the 'launching state' under the UN convention on objects launched into outer space, for loss of spacecraft.

regime has its activities divided between statutory authorities and the Government<sup>2</sup>, however, such an arrangement may be too complex for the proposed space activities where there is no intention for the Government to own or operate space facilities. Of note in the aviation arrangement is the location of the BASI in DTRS, where it is independent of the two Authorities (CASA & ASA) and reports directly to the Minister through that Department. While the roles and functions of these agencies may be seen as comparable with those pertaining to the licensing and certification of satellite launches, none are configured, staffed or equipped to handle the highly specialised tasks associated with launch safety validation.

### **Can any of the regulatory activities be more efficiently managed by direct agreement with the industry?**

9. One possible alternative arrangement would be for the negotiation of separate project agreements with each launch operator in relation to the public liability, insurance and regulatory provisions of space launch activities from a particular site. This, however, is not considered practical for every project proposal, as Australia has assumed obligations under the relevant United Nation's space treaties which have general application to all space launch activities, and which would, therefore, be best expressed in legislation. Furthermore, separate agreements could not on their own provide for penalty provisions for breaches of launch licensing conditions, which are provided under the proposed Act.

10. Such an arrangement would also conflict with the creation of a uniform regulatory framework embodying benchmark standards and best practice across the range of launch activities now undertaken by Australians from offshore sites, and from Australian sites in the future. This would also militate against the Government's wish to instil in prospective overseas investors and customers absolute confidence that launch activities would be undertaken in a certain legal and administrative environment consistent with international law and practice.

### **Can any of the regulatory activities be more efficiently out-sourced to the private sector?**

11. The identification and attribution of costs to particular regulatory functions is a procedure now widely used by Commonwealth agencies. Thus, under the Council of Australian Governments *Competition Policy Principles*, the beneficiary of these services, ie the launch service providers, could expect these costs to reflect efficient use of resources and be transparent for purposes of verification and negotiation. The relevant proponent may, therefore, seek to limit the costs involved in cost recovery by requesting that certain services either not be provided by the regulator, or that alternative options be available from competitive sources if the user could demonstrate that the same service could be provided at lower cost.

12. In relation to space launch licensing and certification, it is unlikely that the proposed authority would delegate overall responsibility for launch safety monitoring to alternative service suppliers. It is possible, however, that private contractors could be employed, through the regulator, to undertake technical tasks associated with range safety and flight verification. The cyclic, and possibly multiple site, aspects of these tasks suggest that a public sector workforce may not always be the most cost-effective approach to their implementation. Rather, it may be more cost-effective to contract out some activities on a project or site specific basis.

## **C. IMPACT ANALYSIS**

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<sup>2</sup> CASA Civil Aviation Safety Authority  
 ASA Air Services Australia  
 IASC International Air Services Commission  
 DTRD Department of Transport and Regional Development  
 BASI Bureau of Air Safety Investigation

## **Impact Group Identification**

13. It is proposed that the Commonwealth's launch licensing authority, to be known as the Space Licensing and Safety Office (SLASO) would be operated on a cost-recovery basis, and the Commonwealth has agreed to provide initial establishment costs. The authority's annual operating costs are estimated at up to \$1.5 million, which the Commonwealth would seek to recover from launch operators via a licence fee.

14. Costs to Government will arise in other areas where there may be no offsetting mechanism to secure cost recovery. In facilitation of industry development, in interaction with overseas government agencies, and through ongoing involvement with launch operators and their employees, a number of departments and agencies will contribute personnel and services. These include the Commonwealth Departments of Defence, Foreign Affairs and Trade, the Attorney-General and Immigration and Multicultural Affairs, and agencies such as the Australian Customs Service (ACS), the Australian Tax Office and the Australian Communications Authority (ACA). These agencies will facilitate a range of activities associated with launch licensing, ensuring that the regulation, administration and supervision of the proposed facilities and their operations are managed in accordance with Australian and international law.

15. The costs of these services to be provided by the various agencies would be difficult and expensive to quantify. Many of these agencies already have existing cost recovery mechanisms in place and nothing proposed under these arrangements would interfere with those existing fee regimes. Examples of these include the agency costs associated with the delivery of legal advice for "non-budget funded" matters by the Attorney-General's Department and the Australian Government Solicitor, the fees levied by the ACA for the issue of licences for the various frequencies required by launch and payload suppliers, and those levied by the ACS as charges for cargo entry processing and clearance procedures, and as other fees including for overtime, remote location costs and travel. The cost of other services provided by public or private agencies which directly contribute to the regulatory function would be sought from launch operators through licence fees and other charges.

## **Assessment of Costs and Benefits**

16. All three launch projects will require ongoing involvement by Commonwealth and State/Territory departments and agencies. The Commonwealth's major up-front cost is the establishment and administration of the SLASO. For the States and Territories, however, the more substantial costs are likely to be direct contributions to infrastructure and utilities associated with the establishment and operation of the proposed facilities.

17. At this stage, it is not possible to forecast what the overall cost of regulation would be, as the SLASO is in its foundation stages and not yet staffed and operational. Preliminary estimates suggest, however, that an establishment of around five permanent staff will be required. As the intention is that this body should be accommodated within an existing administrative structure, as opposed to a new authority or agency, establishment costs will be modest. The Department of Finance and Administration has approved an appropriation, from the DISR 1998/99 appropriation, of \$1.3 million for the establishment and initial operating costs of the SLASO.

18. There will, however, be a periodic requirement for additional personnel, in line with the scheduling of payloads for launch. As much of this additional capability will be out-sourced, the cost of contractor fees for the provision of the specialised services required during the pre-launch phase would be a major budgetary consideration for the authority. Between these peak periods, however, it is anticipated that the staff employed will be mainly salaried specialists. As indicated, running costs

will initially be borne by DISR, and thereafter costs will be recovered through license fees. Costs will be considerably less than levels borne by government agencies responsible for the safe operations of established industries such as aviation and maritime.

19. Discussions with other agencies suggest it would be prudent to assign to a separate organisation responsibility for incident investigation and provision for independent advice to government on the management of the safety function. Such an arrangement may require a Budget supplement to secure efficient and professional implementation of these functions, including a guarantee that ample funding would be accessible at short notice for the engagement of launch specialists in the case of an incident investigation. In line with the principle of full cost recovery, the Commonwealth will seek to recover these costs from the launch permit holder.

### **Estimates of revenue**

20. Licence fees and other charges will be determined against the requirement for recovery of the licensing authority's costs. A fair and equitable method of cost recovery will be devised and implemented by the SLASO as one of its first tasks.

21. On the assumption that one or more launch sites prove commercially viable, DISR would seek to recover from the launch operator(s) the authority's operating expenses, plus the cost of any services provided by public or private agencies which directly contribute to the regulatory function.

22. At this early stage, it is difficult to estimate revenues from licence fees, as it is impossible to predict which, if any, of the current proposals will materialise as commercial launch services. All that can be said with certainty is that a cost recovery regime will be implemented, based on a formula designed to recover the costs to the Commonwealth of the operation of the SLASO.

### **Estimates of costs to businesses affected**

23. Administrative costs to launch suppliers will stem from the requirement for Commonwealth approval of each launch operation. Compliance with authorisation and certification requirements, including payload verification and registration, will require extensive documentation, especially where overseas agencies are involved as launch system and/or payload suppliers.

24. The current project proponents are aware that the Australian Government will insist on strict enforcement of launch and mission safety standards, in line with international practices and protocols. For geostationary launches in particular, there are cost advantages in operating from Australia that could be expected to outweigh the burden of regulatory costs.

25. In terms of impact, it should be noted that the objective of the proposed regulatory function is not to monitor or control an existing industry, but rather to enable the introduction of a new industry, and to facilitate its operation. A comprehensive cost-benefit analysis by a private consultant has demonstrated that the proposed launch activities would deliver an overall net economic benefit to Australia. This suggests that failure by the Commonwealth to implement an appropriate regulatory environment could actually cost Australia the opportunity to capture a substantial share of the rapidly growing international satellite launch market. Thus it would be the lack of licensing and regulatory arrangements, implemented within a commercially realistic timeframe, rather than the imposition of regulation, that would result in a (potentially substantial) cost to Australia.

### **Insurance and risk-sharing arrangements**



26. The proposed statutory regime would apportion liability under Australian domestic law to the commercial operators of space launch activities. Industry participants would be required to carry appropriate commercial insurance, which would reduce the likelihood of an international claim being brought against the Commonwealth. This would enable the Commonwealth to recover from commercial participants or their insurers in the event that Australia was called upon to compensate overseas parties, up to the required level of cover. Imposition on launch operators of unlimited liability is neither commercially tenable nor desirable from a competitive standpoint. It is therefore proposed that an insurance requirement should be adopted. Space insurance providers elsewhere assess risk against maximum probable loss and/or maximum insurance available on the world market. The proposed legislation would, therefore, set the liability of the commercial participants in line with the insurance requirement, with a ceiling based on maximum probable loss calculations.

## **D. OTHER REQUIREMENTS**

### **Consultation**

27. DISR has undertaken an extensive consultation commencing with an inter-departmental committee established in November 1996. In considering options for the structure of the SLASO, it has consulted with several agencies with similar responsibilities about their roles and functions. There has also been extensive consultation with Australian and overseas space industry interests on the regulatory aspects of the Bill, including circulation of the draft Bill to domestic industry bodies, commercial space launch proponents, major communications carriers and space insurance and space law specialists.

28. At a State level, the host administrations (South Australia and Queensland) are actively supporting and promoting the development of the launch facilities. Commonwealth agencies are working closely with their counterpart agencies in the States to define areas of regulatory responsibility, ascertain government requirements in relation to second-tier approvals, identify appropriate regulatory mechanisms and collaborate with proponents to obtain the necessary clearances for launch site development.

29. Consultation is also under way with overseas agencies with responsibility for space administration. DISR is currently liaising with the United States Government agencies, including the Office of Commercial Space Transportation in the FAA, regarding launch licensing and payload certification arrangements. These issues are also being canvassed with the Russian Federation, under the auspices of a proposed bilateral agreement for collaboration in commercial space matters. The outcomes of these consultations are most important to the successful operation of an Australian launch service, due to the heavy involvement of overseas government and commercial entities in all dimensions of each project.

30. While the siting of launch operations is expected to have a significant positive impact on local business and consumer interests, the regulatory impacts will be minor. The project proponents, supported by their host governments, have undertaken discussions with local interest groups in the affected regions, including dialogue with local environmental groups, and with Aboriginal community leaders in relation to native title issues. In the case of Kistler Aerospace, a Public Environment Report has been approved and an agreement reached with local aboriginal groups for permission to use tribal lands. State and Commonwealth environmental agencies are also coordinating their efforts to ensure that launch and mission safety arrangements build in appropriate safeguards against serious environmental damage in the event of any incident.

### **Administrative simplicity**

31. The proposed space activities legislation makes provision for a space launch regulatory and licensing regime but does not stipulate a particular form or structure for the implementation and operation of the regulatory regime. It has been agreed with the Minister that the SLASO will initially be located within, and part of, the DISR structure, and that it will have administrative responsibility for implementing the licensing and regulatory functions, other than incident investigation and advice to the Government in relation to the safety procedures. It is proposed that DISR would continue to exercise its existing industry policy, development and international responsibilities, but would assume responsibility for regulatory policies (as opposed to implementation) for launch licensing and certification; while the SPU and the SLASO would probably be co-located, emergency management requirements dictate that the SLASO should be separately administered to allow the direct delegation of decision making responsibility, independent of normal departmental administrative processes.

32. The SLASO will provide a 'one-stop' facility within government, from which launch operators and their customers will obtain advice and direction on all aspects of launch authorisation other than incident investigation matters. The SLASO will also administer the processing and issuing of licences, the setting and receiving of fees, and oversee commercial insurance arrangements.

33. It is proposed that the incident investigation function should be administratively separate from the SLASO, within another portfolio and reporting directly to its Minister. DISR has recommended that this function be carried out by BASI in the Department of Transport and Regional Services under a memorandum of understanding arrangement. This is a matter that will be dealt with by regulation under the proposed Act.

## **E. REVIEW**

34. Much remains to be done before the proposed regulatory and licensing arrangements are finalised, including the enactment of the proposed *Space Activities Act 1998* which will enable the activities for which regulation (and the regulatory authority) is sought. It is, therefore, premature to discuss a 'sunset' clause. There would, however, be considerable benefit in a periodic review of the proposed regulatory regime. At this stage, it is assumed that that launch licensing and certification procedures will first be utilised by the launch licensee 'Kistler Woomera Pty Ltd' in support of a planned trials launch program expected to commence in early 1999. It is reasonable to expect, however, that some or one or two years after that time, the on-site application of the regulatory regime would have indicated some scope for the modification of administrative and operating procedures to achieve more cost-efficient oversight of the industry. By incorporating a high degree of flexibility in the regulations associated with the approvals provisions of the Space Activities Bill, DISR has sought to ensure that, while not compromising safety standards, the financial and administrative costs to industry of compliance with essential launch authorisation procedures are minimised.

35. The interest groups affected have been extensively consulted on all aspects of the regulatory regime, and their input will be an important contribution to any post-implementation review of the licensing, registration and mission safety arrangements. Currently, the overseas regulation of commercial space launch operations is being intensively developed and modified in response to the rapid emergence of commercial launch facilities. Australia's regulatory regime will to a large extent draw on approaches taken by other launching States, particularly the US.

36. As the SLASO will initially be located within DISR corporate structure, the Department's annual report will cover the Office's responsibilities and activities. The SLASO is expected also to produce periodically its own comprehensive report for industry and public consumption, and as the SLASO assumes a more independent status over time, such a report would be mandatory in accordance with public accountability and reporting requirements.

## NOTES ON CLAUSES

### Part 1 - Introduction

#### Clause 1 - Short title

Clause 1 Advises that, upon enactment, the Bill may be cited as the *Space Activities Act 1998*.

#### Clause 2 - Commencement

Clause 2 Specifies that the Act commences on the day that it receives Royal Assent.

#### Clause 3 - Objects of the Act

Clause 3 Sets out the objectives of the *Space Activities Act* which are to (a) establish a regulation regime for commercial space activities carried out in Australia and by Australian nationals outside Australia; (b) establish a compensation regime for third party damage caused by space launch activities; and (c) make provision for the Commonwealth to implement its obligations under the United Nations space treaties.

#### Clause 4 - Simplified outline of the Act

Clause 4 Provides that certain space activities carried on in Australia must be covered by an approval under Part 3 of the Act, and that an Australian national who conducts certain space activities outside Australia must also be covered by such an approval. The Act provides in Part 4 rules for liability for damage caused to third parties by space activities, and Part 5 of the Act provides for the establishment of a Register of Space Objects. Part 6 of the Act relates to the Act's civil penalty provisions, Part 7 to the investigation of accidents and to accident sites, and Part 8 to miscellaneous matters.

#### Clause 5 - Act binds the Crown

Clause 5 Provides that the Act binds the Crown in each of its capacities, and that the Crown is not liable to be prosecuted for an offence under the Act.

#### Clause 6 - External Territories

Clause 6 Specifies that the Act applies to Australia's external Territories.

#### Clause 7 - Application of the Criminal Code

Clause 7 Establishes that any offence committed in contravention of the Act is subject to Australia's *Criminal Code*.

## **Part 2 - Definitions**

### **Clause 8 - Definitions**

Clause 8 Defines the terms used in the Act, except where a contrary intention appears.

### **Clause 9 - Related party**

Clause 9 Sets out the criteria against which a person is found to be a related party of the responsible party, and provides that the regulations may specify that certain persons are or are not related parties.

## **Part 3 - Regulation of space activities**

### **Clause 10 - Simplified outline**

Clause 10 Establishes that under this Division certain space activities are prohibited unless appropriate approvals have been obtained. The approvals are dealt with in Division 2 (space licences), Division 3 (launch permits), Division 4 (overseas launch certificates) Division 5 (return of overseas-launched space objects) and Division 6 (exemption certificates). Some of those approvals have insurance/financial requirements, as set out in Division 7. The clause foreshadows the appointment by the Minister of a Launch Safety Officer, and refers to some rules about the administration of the Act.

### **Division 1 - Certain space activities require approvals etc**

This Division deals with the administration system for the regulation of commercial space activities, that is, the need to licence the launch or return of a space object, and for the operation of a launch facility.

### **Clause 11 - Launches in Australia requires a launch permit or exemption certificate**

Clause 11 Provides that a launch in Australia of a space object requires a launch permit authorising the launch or an exemption certificate covering the launch. A person who is convicted of an offence against this clause is liable to a fine not exceeding 100,000 penalty units in the case of a body corporate or, when in the case of an individual, imprisonment for a term not exceeding 10 years, or a fine not exceeding 600 penalty units or both.

### **Clause 12 - Overseas launch requires an overseas launch certificate**

Clause 12 Provides that where an Australian national is a responsible party for the launch of a space object from a launch facility located outside Australia, the launch must be authorised by an overseas launch certificate. If an Australian national commits an offence against this provision, then on conviction a fine not exceeding 100,000 penalty units may be imposed on a body corporate or, in the

case of an individual, a term of imprisonment not exceeding 10 years may be imposed, or a fine not exceeding 600 penalty units or both.

**Clause 13 - Return to Australia of Australian-launched space object requires a launch permit or exemption certificate**

Clause 13 Provides that if a person returns a space object to a place anywhere in Australia, and the object or any part of it was launched from a launch facility located in Australia, the return to Australia of an Australian launched space object requires a launch permit or exemption certificate. A person who is convicted of an offence against this provision is liable to a fine not exceeding 100,000 penalty units in the case of a body corporate or, in the case of an individual, imprisonment for a term not exceeding 10 years or a fine not exceeding 600 penalty units, or both.

**Clause 14 - Return to Australia of overseas -launched space object requires authorisation**

Clause 14 Provides that if a person returns a space object to a place anywhere in Australia and either the object or any part of it was launched from an overseas site, the return to Australia of an overseas-launched space object requires authorisation. A person who is convicted of an offence against this provision is liable to a fine not exceeding 100,000 penalty units in the case of a body corporate or, in the case of an individual, imprisonment for a term not exceeding 10 years or a fine not exceeding 600 penalty units, or both.

**Clause 15 - Space licence required to operate launch facility in Australia**

Clause 15 Provides that the operation a launch facility or the doing of anything directly connected with operating a launch facility or using a particular kind of launch vehicle in Australia requires (a) a space licence for the facility and the kind of launch vehicle; or (b) that the person is a related party for any launched conducted from the facility; or (c) that the person is acting as an employee, contractor or agent of the person who holds the licence; or (d) that the person/s holds a exemption certificate as set out in clause 46, or (e) the launch is done in accordance with a pre-existing agreement as set out at clause 108(1).

**Clause 16 - Commonwealth not bound**

Clause 16 Exempts the Commonwealth from the need to obtain space licences and launch permits, or other approvals as specified under Division 1 of Part 3. If, however, the Commonwealth carries out the launch or return of a space object as a joint venturer with a private company, the private company, unless acting as the Commonwealth's agent, would require a space licence or launch permit, or such other approvals as would be required under this Division.

**Clause 17 - Activities of international space organisations**

Clause 17 Provides that if an agreement between Australia and another country or countries provides for the establishment of an international organisation, this Division does not apply to anything done in accordance with the agreement. Subclause 17(2) provides that this clause applies whether the agreement was made before or after the commencement of the Act.

## **Division 2 - Space Licences**

This Division provides for the allocation and use of a space licence, which will authorise the operation of a space launch facility, and provides for the licensing of a launch facility. The criteria to be satisfied for the granting of a space licence are outlined, and the terms of a space licence and standard space licence conditions are set out. This Division also deals with the breaching of a space licence condition, the grant or transfer of a space licence, procedures for varying, revoking or transferring a space licence, and the suspension of a space licence.

### **Clause 18 - Granting a space licence**

Clause 18 Provides that the Minister may grant to a person a space licence covering a particular launch facility in Australia, and a particular kind of launch vehicle; if the Minister is satisfied that the person is competent to operate a space launch facility and a launch vehicle of that kind; and the Minister does not consider that for reasons relevant to Australia's national security, foreign policy or international obligations a space licence should not be granted; and any criteria prescribed by the regulations are satisfied in relation to the launch facility and the kind of launch vehicle.

### **Clause 19 - Terms of space licence**

Clause 19 Provides that a space licence (a) must specify the day on which it comes into force; (b) remains in force for the period specified in the licence, which must be no longer than 20 years; and (c) is granted subject to the standard space licence conditions in clause 20 and any other conditions specified in the licence.

### **Clause 20 - Standard space licence conditions**

Clause 20 Sets out the conditions of each space licence granted to a person, except to the extent that the licence otherwise specifies.

### **Clause 21 - Breaching a space licence condition**

Clause 21 Provides that the space licence conditions must not be contravened by the holder of a space licence, and advises that a contravention of this provision may attract a civil penalty.

### **Clause 22 - Transfer of space licence**

Clause 22 Provides for the transfer of a space licence, and provides for the transfer to take effect at the time specified in the Minister's written notice. The transferred licence applies only to the launch facility and launch vehicle for which it was issued, and the original conditions which were attached to the licence continue to apply unless the Minister varies them. The initial period of the licence continues to remain in force following the transfer.

### **Clause 23 - Applying for the grant or transfer of a space licence**

Clause 23 Requires that an application for the grant or transfer of a licence must be made in accordance with the regulations.

**Clause 24 - Procedure etc**

- Clause 24(1) Requires the Minister to give notice in writing of the reasons, in his or her opinion, for revoking, varying or transferring a space licence. The Minister is required to invite the licensee to make a written submission in relation to the matter within a reasonable period of time specified in the notice.
- Clause 24(2) Requires the Minister to consider the matters raised in any written submissions in relation to clause 24(1) in making any decision to vary, revoke or transfer a space licence
- Clause 24(3) Prohibits the varying of a space licence in a way that changes the location of the launch facility, ie a space licence issued in relation to a particular facility can not be used to operate a space launch facility at a different location.

**Clause 25 - Suspending a space licence**

- Clause 25(1) Gives the Minister power to issue a written notice suspending a space licence if (a) the conditions have been breached, or (b) for reasons of national security, foreign policy or international obligations, the Minister considers the licence should be suspended.
- Clause 25(2) Advises that a suspended space licence is ineffective, but that the period for which it remains in force continues to run despite the suspension.
- Clause 25(3) Allows the Minister to revoke a licence while it is suspended; (see subclause 34(3)).

**Division 3 - Launch Permits**

This Division of the Bill provides for the Minister to grant a launch permit or series of launch permits authorising the launch of a particular space object or series of space objects. The criteria to be satisfied for the granting of a launch permit are outlined, and the terms of a launch permit and standard launch permit conditions are set out. This Division also deals with breaches of launch permit conditions, the grant or transfer of a launch permit, procedures for varying, revoking or transferring a launch permit, and the suspension of a launch permit.

**Clause 26 - Granting a launch permit**

- Clause 26(1) Sets out the discretion by which the Minister may grant a launch permit, and specifies the matters the launch permit authorises at a specified launch facility in Australia, using a specified kind of kind vehicle.
- Clause 26(2) Provides that a launch permit may also authorise that space objects may be returned in connection with a launch or launches, to a specified place in Australia.
- Clause 26(3) Specifies all the criteria to be satisfied in order for the Minister to be able to issue a launch permit.
- Clause 26(4) Provides that if a country other than Australia is also a launching state for a space object or space objects, the Minister may grant a launch permit having regard to certain matters set out in the provision.

**Clause 27 - Australian launches: continuing requirement for space licence**

Clause 27 Provides that if the launch facility specified in a launch permit is in Australia, the permit has no effect during any period when the holder of the permit does not hold a space licence covering the facility and the kind of launch vehicle concerned.

#### **Clause 28 - Terms of launch permit**

Clause 28(1) Requires that a launch permit must specify the day on which the permit comes into effect, and the duration of the permit. The permit is granted subject to the standard launch permit conditions specified in clause 29, and any other conditions specified in the regulations or in the permit.

Clause 28(2) Allows for the permit to terminate with a particular launch event; the regulations may stipulate means for determining when events of a particular kind occur.

Clause 28(3) Allows for the Minister to extend or further extend, in writing, the duration of the launch permit at any time when a launch period is in force.

#### **Clause 29 - Standard launch permit conditions**

Clause 29 Sets out the standard conditions of each launch permit, except to the extent that the permit specifies conditions other than the standard conditions.

#### **Clause 30 - Breaching a launch permit condition**

Clause 30(1) Provides that the holder of a launch permit must not contravene a condition of the launch permit.

Clause 30(2) Establishes that under certain conditions a contravention of the standard conditions of a launch permit is an offence, and that if found guilty of such an offence, the holder of the permit is liable to a fine not exceeding 100,000 penalty units in the case of a body corporate or, in the case of an individual, imprisonment for a term not exceeding 10 years, or a fine not exceeding 600 penalty units or both.

Clause 30(3) Gives the Minister the discretion to institute civil proceedings as an alternative to prosecution for an offence against subclause 30(2).

#### **Clause 31 - Transfer of launch permit**

Clause 31(1) Allows the Minister to transfer in writing the launch permit to another person .

Clause 31(2) Advises that the transfer is effected at the time specified in the written notice.

Clause 31(3) Requires the transferred launch permit to continue to cover the same launch facility and the same kind of launch vehicle.

Clause 31(4) Advises that a permit that has been transferred has effect subject to the same conditions as the original permit, unless the Minister varies the conditions of the original permit.



Clause 31(5) Advises that the period for which the permit remains in force continues to run despite any transfer.

**Clause 32 - Applying for the grant or transfer of a launch permit**

Clause 32 Requires an application for a grant or transfer of a launch permit to be made in accordance the regulations.

**Clause 33 - Procedure etc.**

Clause 33(1) Requires the Minister to give notice in writing of the reason, in his or her opinion, to revoke, vary or transfer a launch permit. The Minister is also required to invite the permit holder to make a written submission about the matter, within a reasonable period to be specified in the notice.

Clause 33(2) Requires the Minister to take into consideration any submission received within the period specified in the notice.

Clause 33(3) Advises that a launch permit is issued for a particular launch facility, and that it can not be changed to cover another launch facility.

**Clause 34 - Suspending a launch permit**

Clause 34(1) Provides that a launch permit may be suspended by the Minister if (a) any conditions of the permit are breached by the permit holder, or (b) for reasons of national security, foreign policy or international obligations, the Minister considers the permit should be suspended.

Clause 34(2) Advises that a suspended launch permit has no effect, and that the permit remains in force for the period for which it was issued despite the suspension.

Clause 34(3) Allows the Minister to revoke a launch permit while that permit is suspended; (see clause 25(2)).

**Division 4 - Overseas Launch Certificates**

This Division signposts the criteria under which an overseas launch certificate may be obtained.

**Clause 35 - Granting an overseas launch certificate**

Clause 35(1) Sets out the discretion by which the Minister may grant an overseas launch certificate and authorise a launch or series of launches from a facility outside Australia using a specified kind of launch vehicle.

Clause 35(2) Specifies the criteria to be satisfied in order for the Minister to be able to issue an overseas launch certificate. Although this clause does not provide for granting an exemption certificate for overseas launch certificates, it enables the Minister to waive the insurance and/or financial requirements applying under Division 7 of this Part.

Clause 35(3) Allows for the Minister, when granting an overseas launch certificate, to take into consideration the existence and terms of any agreement between Australia and the other launching State under which that launching State may have

assumed liability for, and indemnified Australia against, any damage that the space object may cause.

### **Clause 36 - Terms of overseas launch certificate**

- Clause 36(1) Requires the overseas launch certificate to specify the day on which it comes into force, and the period for which it remains in force, and states that the certificate is subject to specified conditions.
- Clause 36(2) Provides that the term for which an overseas launch certificate remains in force may be determined by a particular occurrence, rather than fixed at a specified time; in this case, the regulations are to set out the means for determining when events of a particular kind have occurred.
- Clause 36(3) Allows for the Minister to extend or further extend in writing the period for which the overseas launch certificate remains in force.

### **Clause 37 - Breaching a condition**

- Clause 37 Advises that the conditions of an overseas launch certificate must not be contravened by the holder of the certificate.

### **Clause 38 - Transfer of overseas launch certificate**

- Clause 38(1) Allows the Minister, by written notice, to transfer an overseas launch certificate to another person provided the person in question has met the conditions for the granting of the certificate as set out at clause 35.
- Clause 38(2) Advises that the transfer takes effect on the date specified in the notice.
- Clause 38(3) Advises that a transferred launch certificate continues to cover the same launch facility, and the same kind of launch vehicle.
- Clause 38(4) Advises that a transferred launch certificate is subject to the same conditions as the original certificate, unless varied by the Minister.
- Clause 38(5) Advises that the period for which the launch certificate remains in force continues to run despite the transfer.

### **Clause 39 - Applying for the grant or transfer of an overseas launch certificate**

- Clause 39 Provides that an application for the grant or transfer of an overseas launch certificate must be made in accordance with the conditions in the regulations.

### **Clause 40 - Procedure etc**

- Clause 40(1) Provides for the Minister to give the holder of an overseas launch certificate his or her reasons in writing for the decision to vary, revoke or transfer that certificate; and that the Minister must invite the holder, within a specified period, to make a written submission regarding the decision to vary, revoke or transfer the certificate.
- Clause 40(2) Requires the Minister to consider any matters raised in the written submission referred to at subclause 40(1).

Clause 40(3) Advises that the location of an overseas launch facility, as authorised by an overseas launch certificate, cannot be changed.

#### **Clause 41 - Suspending an overseas launch certificate**

Clause 41(1) Gives the Minister the authority to suspend by written notice an overseas launch certificate if the certificate holder contravenes a condition of the certificate; or the Minister finds that the insurance/financial requirements in Division 7 are no longer satisfied for any launch to be conducted under the certificate; or the Minister considers for reasons relevant to Australia's national security, foreign policy or international obligations, the certificate should be suspended.

Clause 41(2) Advises that an overseas launch certificate has no effect while suspended, although the period for which it is in force continues to run.

Clause 41(3) Enables the Minister to revoke an overseas launch certificate while it is suspended.

#### **Division 5 - Authorisation of return of overseas-launched space objects**

##### **Clause 42 - Scope of Division**

Clause 42 Sets out the conditions for the application of Division 5 to overseas launched space objects

##### **Clause 43 - Returns may be authorised by permission or by agreement**

Clause 43(1) Establishes that the Minister may authorise by written permission the return of a space object to a particular place or area in Australia, and that a series of returns may be authorised by a single permission where this is judged by the Minister to be appropriate.

Clause 43(2) Allows for the Minister on behalf of the Commonwealth to enter into an agreement under which the return of a space object or series of returns are authorised.

Clause 43(3) Provides that the Minister is to give permission for the return of a space objects only if the Minister is satisfied that the conditions set out in the clause are met.

Clause 43(4) Allows the Minister to take into consideration when granting permission for the return of a space object (a) whether there is an agreement between Australia and the launching State under which that country assumes any liability and indemnifies Australia against any damage that the space object may cause, and (b) the terms of the agreement.

Clause 43(5) Allows the Minister to determine the conditions under which any authorisation for the return of a space object is given.

##### **Clause 44 - Offences relating to returns**

Clause 44(1) Provides that a person responsible for the return or series of returns of a space object who breaches any conditions at clause 43 is guilty of a criminal offence

punishable on conviction by, for a body corporate, a fine not exceeding 100,000 penalty units or, for an individual, imprisonment for a term not exceeding 10 years or a fine not exceeding 600 penalty units or both.

Clause 44(2) Allows the Minister, as an alternative to prosecution for a criminal offence, to take civil proceedings against a person who has contravened subclause 44(1).

#### **Clause 45 - Breaching a condition**

Clause 45 Advises that a person authorised to return a space object under clause 43 must not breach a condition of the authorisation.

### **Division 6 - Exemption certificates**

This Division sets out the grounds for which an exemption certificate may be issued.

#### **Clause 46 - Exemption certificates**

Clause 46(1) Provides that the Minister may issue an exemption certificate covering specific conduct which might otherwise be prohibited under clauses 11, 13 or 15.

Clause 46(2) Provides that the Minister must take into consideration the regulations when deciding whether to issue an exemption certificate.

### **Division 7 - Insurance/financial requirements**

This Division sets out the insurance and /or financial requirements mentioned in Divisions 3, 4, and 5.

#### **Clause 47 - Satisfying the insurance/financial requirements**

Clause 47(1) Explains the scope of this Division in respect of the insurance and financial requirements referred to in earlier clauses.

Clause 47(2) Provides that the holder of a launch permit, an overseas launch certificate or clause 43 authorisation for the launch or return of a space object is to meet certain requirements in relation to insurance for the launch or return, or has shown direct financial responsibility.

#### **Clause 48 - Insurance Requirements**

Clause 48(1) Provides that the holder of a launch permit or a clause 43 authorisation must be insured to the extent required by subclause 48(3), against any liability incurred under the Act to pay compensation for any damages to third parties that the launch or return causes; and that the Commonwealth must be insured, to the extent required by subclause 48(3), against any liability that the Commonwealth might incur under the Liability Convention or otherwise under international law, to pay compensation for such damage.

Note 1: The insurance cover mentioned in paragraphs (c) and (d) may be provided by separate policies. Alternatively, the holder of the permit or authorisation could take out a single policy that insures both the holder and the Commonwealth.

Note 2: The Commonwealth is under no duty to take out any insurance cover under this subsection - the onus is on the holder of the permit or authorisation to ensure that the insurance/financial requirements are satisfied.

- Clause 48(2) Provides that the insurance requirements are satisfied for a launch authorised by an overseas launch certificate, if the Commonwealth is insured, to the extent required under subclause 48(3), against the liability of the Commonwealth under the Liability Convention, or otherwise under international law, to pay compensation for any damage to third parties that the launch causes; (see explanatory Note 2 above).
- Clause 48(3) Specifies that the total amount of insurance must not be less than the amount of the maximum probable loss as determined by the method set out in the regulations that may be incurred in respect of damage caused to third parties by the launch or return of a space object, unless a different method of determining a minimum insurance amount is set out in the regulations.

#### **Clause 49 - Additional insurance not precluded**

- Clause 49 Advises that the Act does not prevent any person from obtaining additional insurance to that required under the Act.

### **Division 8 - Launch Safety Officer**

This Division sets out the functions and authority of the Launch Safety Officer.

#### **Clause 50 - Launch Safety Officer**

- Clause 50 Requires the appointment of a Launch Safety Officer by the Minister to each licensed launch facility, and clarifies that a Launch Safety Officer can be responsible for more than one licensed facility.

#### **Clause 51 - Functions of Launch Safety Officer**

- Clause 51 Provides for the Launch Safety Officer to be responsible for (a) ensuring that required notices are given for launches conducted at the launch facility; (b) ensuring that no person or property is endangered by launches until the space object is safely in earth orbit, or beyond; (c) monitoring compliance with the Act and relevant conditions by holders of launch permits and space licences.

#### **Clause 52 - Powers of Launch Safety Officer**

- Clause 52(1) Allows the Launch Safety Officer to do all things reasonably necessary or convenient to be done for the performance of his or her functions.
- Clause 52(2) Allows for the Launch Safety Officer, with the consent of the space licence holder; to enter and inspect the licensed launch facility, and any space object at the facility; to test and inspect any equipment; to be given any information or assistance necessary for the proper performance of his or her functions; and to give any directions considered necessary to avoid danger to public health, persons and property.
- Clause 52(3) Provides that the Launch Safety Officer must have the consent of the holder of a space licence, or a person authorised by the holder of a space licence, before entering a licensed facility.
- Clause 52(4) Provides that the Launch Safety Officer cannot exercise any powers if the holder of the space licence asks for identification and the Launch Safety Officer is unable to comply.

Clause 52(5) Advises that the Launch Safety Officer's powers and functions do not entitle him or her to be involved in the normal business operations of the holder of a space licence or launch permit.

**Clause 53 - Offence of failing to comply with directions**

Clause 53 Establishes that failure to comply with a direction or request of the Launch Safety Officer, as authorised under subclause 52(2)(c), is a criminal offence.

**Clause 54 - Procedure for giving and complying with directions**

Clause 54(1) Allows for the regulations to set procedures to be followed by the Launch Safety Officer in giving directions under subclause 52(2)(c), and to be followed by any person given such directions.

Clause 54(2) Provides that the regulations may stipulate penalties not exceeding 100 penalty units for the breach of regulations made for the purposes of subclause 54(1)(b).

**Clause 55 - Launch Safety Officer to comply with Minister's instructions**

Clause 55(1) Requires the Launch Safety Officer to comply with any instructions that the Minister may give, and provides that the Minister may give different instructions for different licensed launch facilities.

Clause 55(2) Allows for the Minister to give different instructions at any time for different licensed launch facilities.

**Clause 56 - Seizures in emergency situations**

Clause 56(1) Allows for the Launch Safety Officer in certain circumstances to seize a thing at or on the launch facility, and to search a launch facility or any receptacle at or on the facility, if the Launch Safety Officer suspects, on reasonable grounds, that presence of the thing at the launch facility is an offence against the Act, and it is necessary to seize the thing to prevent it from being concealed, lost or destroyed.

Clause 56(2) Advises that the Launch Safety Officer's powers of seizure do not entitle him or her to act other than in accordance with subclause 56(1).

**Clause 57 - Launch Safety Officer may obtain assistance**

Clause 57 Provides that the Launch Safety Officer may arrange for assistance from other persons in carrying out his or her functions at the facility.

**Clause 58 - Identity cards**

Clause 58(1-4) Provides that the Minister must issue a photographic identity card to the Launch Safety Officer and that the identity card must be returned to the Minister as soon as practicable after a person ceases to be a Launch Safety Officer, and that to fail to return the identity card is an offence.

**Division 9 - Administration etc**

This Division deals with the arrangements for the administration of launch permit fees, requests from the Minister for information, and review of decisions in relation to the various approvals required under the Act.

#### **Clause 59 - Fees**

- Clause 59(1) Provides for the holder of launch permit to pay a fee to the Commonwealth in respect of any launches authorised by the permit under the Act and regulations.
- Clause 59(2) Provides that an applicant for an overseas launch certificate must pay a fee to the Commonwealth in respect of the overseas launch certificate application as set out by the regulations.
- Clause 59(3) Provides that an applicant for a space licence must pay to the Commonwealth a fee in respect of the space licence application as set out by the regulations.
- Clause 59(4) Provides that an applicant for an exemption certificate will pay to the Commonwealth a fee in respect of the exemption certificate application.
- Clause 59(5) Provides that any person who wishes to inspect the Register (of Space Objects) is to pay to the Commonwealth any fee set in the regulations in respect of the inspection.
- Clause 59(6) Provides that the regulations will either set all fees mentioned in this clause or set out a way of calculating what these fees will be.
- Clause 59(7) Specifies that the fees set in respect of this clause should not be set at such a level as to amount to taxation.
- Clause 59(8) Provides that the regulations may specify the time allowable to pay a fee.

#### **Clause 60 - Request for information**

- Clause 60 Allows for the Minister by written notice to ask an applicant for, or holder of a space licence or launch permit, to provide within a specified period any further information required to carry out functions or exercise powers under the Act.

#### **Clause 61 - Review of decisions**

- Clause 61 Provides that an application may be made to the Administrative Appeals Tribunal for review of specific decisions taken by the Minister in respect of a space licence, a launch permit, an overseas launch certificate, a clause 43 authorisation or exemption certificate.

### **Part 4 - Liability for damage by space objects**

#### **Division 1 - Scope of Part**

This Division explains the matters covered in Part 4.

#### **Clause 62 - Damage covered**

- Clause 62(1) Explains that this Part applies if damage is caused by a space object launched from a facility in Australia, or where Australia is the launching State in relation

to the space object, and where the damage is caused during the liability period for the launch.

Clause 62(2) Provides that this Part applies to the damage a space object causes if the object is returned to a place in Australia and the damage occurs during the liability period.

Clause 62(3) Provides that this Part applies whether the damage happens on Earth or in the air, both outside or in Australia, or in space, whether or not the launch was authorised under the Act, and whether or not an exemption certificate was in force.

### **Clause 63 - Compensation for third party damage by space objects to be determined solely under this Part**

Clause 63(1) Provides that compensation for damage caused by third parties is only payable under this Part.

Clause 63(2) Clarifies that this clause does not limit Australia from giving effect to any obligation to pay compensation for damage under the Liability Convention, or otherwise under international law.

### **Clause 64 - Regulations about waivers**

Clause 64 Provides that a waiver of some or all the rights of persons connected with a launch or return, and of their employees, contractors and subcontractors, to seek compensation for damage to which this Part applies, may be prescribed in the regulations.

## **Division 2 - Liability for third party damage**

### **Subdivision A - Rules for damage caused by launches and most returns**

#### **Clause 65 - Scope of Subdivision**

Clause 65 Clarifies that Subdivision A applies to all damage to which this part applies except where neither the space object nor any part of it was launched from within Australia and the party responsible for the launch is not an Australian national.

This means that the liability arrangements applying generally in Part 4 of the Act do not apply in the case of space objects launched from overseas sites by foreign nationals and returned to Australia, even though the Commonwealth has authorised the return of the space object to Australia by permission or authorisation under clause 43 of the Act.

#### **Clause 66 - Damage on Earth or in the air**

Clause 66(1) Provides that the responsible party is liable to pay compensation for any damage caused to a third party during the launch or return of the space object, whether the damage occurs on Earth, or to an aircraft in flight.

Clause 66(2) Provides that the responsible party is not liable to pay compensation for any damage caused by the space object, to the extent that the responsible party can establish, that the damage was caused by the gross negligence or deliberate or wilful misconduct of the injured third party.



**Clause 67 - Damage to other space objects**

Clause 67 Provides that the responsible party for the launch or return of a space object is liable to pay compensation for any damage caused to a third party space object, or to a third party or the property of a third party aboard such a space object, while in flight; this liability only applies, however, to the extent that it can be established that the damage to the third party space object, or to a third party or the property of a third party aboard such a space object, is due to the fault of the responsible party or the related party, that is, compensation is fault based in this instance.

**Clause 68 - Limit on amount of permit or certificate holder's liability**

- Clause 68(1) Provides that this clause applies if the launch or return of the space object was authorised by a launch permit and the damage was not a result of a breach of the conditions of the permit or space licence, or the gross negligence or wilful misconduct of the responsible party or related party.
- Clause 68(2) Provides that this clause also applies to damage caused by the launch of a space object authorised by an overseas launch certificate if that damage did not result from a breach of the conditions of the permit or space licence, or the gross negligence or wilful misconduct of the responsible party or related party.
- Clause 68(3) Provides that the responsible party is not liable to pay compensation for third party damage above the insured amount if the conditions in clause 68(1) or Clause 68(2) are met.

**Subdivision B - Rules for certain returns conducted by overseas nationals****Clause 69 - Scope of subdivision**

Clause 69 Explains that this subdivision deals with the damage caused by the authorised return to Australia of a space object launched from overseas, where the responsible party for the launch is not an Australian national.

**Clause 70 - Liability**

Clause 70 Provides that the party responsible for the authorised return of a space object to Australia where the space object is launched by a foreign national from an overseas site, is liable to pay compensation for any damage the space object causes to a third party.

**Division 3 - Procedure etc.****Clause 71 - Federal Court has jurisdiction**

Clause 71 Establishes that the Federal Court of Australia has the jurisdiction to hear and determine actions for compensation for damage caused by space objects to third parties, and to determine the amount of compensation to be awarded.

**Clause 72 - Action for compensation**

- Clause 72(1) Provides that any action for compensation for damage is to be brought within one year after the day that the damage occurred, or within one year of when the person bringing the action became aware of the damage or would have become aware of the damage if the person bringing the action had exercised due diligence.
- Clause 72(2) Provides that a person who has suffered damage caused by an approved or exempt space object may not claim compensation if, in accordance with the Liability Convention or international law, a foreign country has presented a claim against Australia and that claim has been settled.

#### **Division 4 - Compensation claims by foreign countries**

##### **Clause 73 - Responsible party's liability to the Commonwealth**

- Clause 73(1) Establishes that the responsible party's liability to the Commonwealth is to apply where a foreign country has presented a claim against Australia for third party damages caused by a space object, and Australia becomes liable to compensate the third party.
- Clause 73(2) Provides that the responsible party is liable to pay the Commonwealth the lesser of the amount of compensation, or where the launch or return of the space object which caused the damage was authorised by a launch permit or overseas launch certificate, and clause 68 applies, the insured amount for the permit or overseas launch certificate.

##### **Clause 74 - Claims Commission**

- Clause 74 Provides for a Claims Commission to be established, if necessary, in accordance with the Liability Convention.

#### **Part 5 - Register of space objects**

This Part establishes an Australian 'Register of Space Objects', specifies the information to be entered into the Register, and makes provision for maintaining and inspecting the Register.

##### **Clause 75 - Minister to keep Register**

- Clause 75(1) Requires the Minister to keep a *Register of Space Objects*.
- Clause 75(2) Provides that the Minister may enter in the Register certain particulars as set out in respect of the space object.
- Clause 75(3) Requires the Minister to take into account the United Nations Registration Convention, and any other international agreement or arrangements to which Australia is a party relating to the registration of a space object.
- Clause 75(4) Provides for the Minister to vary or remove entries on the Register.

##### **Clause 76 - Registration number**

- Clause 76(1) Requires the Minister to allocate to any space object for which a launch permit has been granted a registration number for identification purposes.
- Clause 76(2) Provides for the Minister to allocate a registration number at any other time, for example, following the successful launch of an Australian space object or its successful insertion into orbit.

**Clause 77 - Register may be kept on computer**

- Clause 77 Provides for the details of the Register to be kept on computer.

**Clause 78 - Inspection of Register**

- Clause 78(1) Requires that the Register be available for inspection at the times and places published in the Commonwealth Gazette.
- Clause 78(2) Provides that this requirement may be addressed by allowing a person who wants to inspect the Register to have reasonable access to a computer terminal on which the contents of the Register can be read, or to obtain a printed copy of any entry in the Register.

**Part 6 - Civil penalties**

This Part sets out the civil penalty provisions of the Act. Amongst other things, it also sets out matters for which the Federal Court must have regard when determining the amount of the penalties.

**Clause 79 - Civil penalty provisions**

- Clause 79 Identifies those provisions of the Act which, if contravened, would attract civil penalties.

**Clause 80 - Fines for contravening civil penalty provisions**

- Clause 80(1) Provides for the Federal Court to order a person who, on the balance of probabilities has contravened a civil penalty provision, to pay a fine to the Commonwealth as the Court deems appropriate.
- Clause 80(2) Sets out the matters which the Court must consider in determining how much a civil penalty should be.
- Clause 80(3) Sets an upper limit, expressed as penalty units, in respect of the contravention of specified civil penalty provisions.
- Clause 80(4) Provides for the Federal Court to make declarations or orders as it deems appropriate in relation to whether a civil penalty provision has been contravened, and to costs arising from civil penalty proceedings.

**Clause 81 - Procedure**

- Clause 81(1) Allows for the Minister to institute proceedings in the Federal Court for the payment of a civil penalty.

- Clause 81(2) Requires that any proceedings taken by the Minister must commence within six years of any contravention of a civil penalty provision.
- Clause 81(3) Advises that the Federal Court is to apply the same rules in respect of evidence and procedure that it would normally apply in hearing and determining civil matters.

### **Clause 82 - Not an offence to contravene civil penalty provision**

- Clause 82 Establishes that a contravention of the civil penalty provisions of the Act does not constitute an offence, that is, while a breach of a criminal provision of the Act is an offence, a breach of the civil penalty provisions is not.

## **Part 7 - Investigation of accidents**

### **Division 1 - Scope of Part**

This Division sets out the scope of Part 7, and defines the terms *accident* and *incident*.

#### **Clause 83 - Scope of Part**

- Clause 83 Explains that this Part of the Act applies in the event of an accident or incident involving a space object during the period of liability for the launch of the space object from a facility located in Australia, or during the return of the space object to a place in Australia; (the liability period for the launch or return of a space object is defined under clause 8 - Definitions).

#### **Clause 84 - Meaning of accident**

- Clause 84 Establishes that the term *accident* means an accident in which a person or persons are killed or suffer serious injury, or in which the space object itself is destroyed, or seriously damaged, or damages property. This means that an incident leading directly to the destruction of the space object would be regarded as an accident whether or not death, injury or damage to property occurred.

#### **Clause 85 - Meaning of incident**

- Clause 85 Establishes that the term *incident* means an occurrence associated with the operation of a space object which may affect the safe operation of the space object, but may not necessarily have caused an accident, that is, an incident has the potential to give rise to an accident by affecting the safe operation of the space object. An incident may also arise from an aggregation of circumstances or conditions which threatened to cause an accident, or in which an accident was narrowly avoided or averted.

### **Division 2 - Investigations**

This Division establishes a system for the investigation of accidents. The Division explains the object of the investigation of accidents or incidents, and advises of the requirement to appoint an Investigator and the requirement to report to the Minister on the outcomes of an accident investigation. The Division also sets out the powers of the Investigator, including to obtain

assistance, to gather information and to take custody of things relevant to the investigation. Publication of accident investigation reports, the suspension of launch permits etc following an accident, and the disclosure of safety records are also covered under this Division. The terms *investigation officer* and *safety record* are defined in this Division.

#### **Clause 86 - Object of Division**

- Clause 86(1) Explains that the object of this Division is to establish a systems for investigating an accident or incident that will prevent other accidents or incidents occurring.
- Clause 86(2) Clarifies that this Division is not intended to provide a means of apportioning blame for any accident or incident, or for identifying the parties responsible, either directly or indirectly, for causing any accident or incident; neither is this Division intended to provide a means of determining the liability of any person involved in any accident or incident.

#### **Clause 87 - Appointing an Investigator**

- Clause 87(1) Requires that the Minister must, in the event of an accident, appoint a person as Investigator of the accident.
- Clause 87(2) Provides that, in the event of an incident, the Minister has the discretion to appoint a person as Investigator of the incident.
- Clause 87(3) Requires that the Minister must confirm that any person appointed as the Investigator of an accident or incident has suitable qualifications and experience to conduct the investigation of an accident or incident.

#### **Clause 88 - Investigator to investigate accident or incident**

- Clause 88(1) Provides that any person appointed as the Investigator of an accident or incident under the previous clause, must investigate the circumstances surrounding the accident or incident.
- Clause 88(2) Provides that where the Minister has appointed a person as the Investigator of an accident or incident the Minister may determine the terms of reference to be applied to the investigation of the accident or incident.

#### **Clause 89 - Investigator may invite assistance**

- Clause 89(1) Provides that a person who has been appointed as the Investigator of an accident or incident may ask other persons to assist in the performance of the Investigator's functions as specified under this Division.
- Clause 89(2) Provides that any person who assists the Investigator of an accident or incident in the conducting of the investigation is entitled to be paid fees and allowances for expenses incurred in assisting the Investigator, and that these expenses are to be determined under the regulations.

#### **Clause 90 - Investigator's powers to gather information**

- Clause 90(1) Advises that, in conducting an investigation, the Investigator may, in writing, require the attendance of any person to answer questions about any of the matters being investigated, and may require any such person to give to the Investigator specified documents, records, or parts or components of a space

object or any other items or object that the Investigator deems to be relevant to the investigation.

- Clause 90(2) Requires that the Investigator must provide any person required to attend before the Investigator with a written notice setting out the time and place at which that person is to attend, or to give to the Investigator any thing relevant to the investigation.
- Clause 90(3) Allows the Investigator to place under oath or affirmation any person required to answer questions about matters relevant to the investigation, and allows the Investigator to administer an oath or affirmation to any such person.
- Clause 90(4) Allows the Investigator to keep any thing given to him in accordance with subclause 90(1) for as long as he considers necessary for the purposes of the investigation, and to make copies of, or take extracts from any documents or records provided to him for the purposes of the investigation.
- Clause 90(5) Advises that if a person answers a question, or gives a thing to the Investigator, in accordance with subclause 90(1), that answer or thing, or any information or thing obtained by the Investigator as a result of the person's compliance with subclause 90(1), can not be admitted as evidence against that person in any proceeding (other than a proceeding in respect of a false answer).
- Clause 90(6) Provides that any person who attends before the Investigator for any of the purposes under Clause 90 is entitled to be compensated for any fees or expenses incurred by their attendance, as set out in the regulations.

#### **Clause 91 - Offences relating to clause 90 requirements**

- Clause 91(1) Provides that any person who fails to attend before the Investigator, in accordance with subclause 90(1), or who refuses to take an oath or make an affirmation when required by the Investigator, or who refuses to answer a question lawfully put by the Investigator, or who refuses to provide the Investigator with any thing relevant to the investigation, or who gives a false or misleading answer to a lawful question from the Investigator, is guilty of an offence and will be liable for a penalty not exceeding 30 penalty units.
- Clause 91(2) Establishes that that a person required to attend before the Investigator can not be compelled to answer a question or give the Investigator any thing if, to do so, might tend to incriminate that person or expose that person to a penalty.
- Clause 91(3) Provides that a person required to give information to the Investigator in accordance with subclause 90(1), who in answering a question lawfully put to the person knowingly gives to the Investigator information that is false or misleading in a material particular, is guilty of offence and will be liable to imprisonment of twelve months.
- Clause 91(4) Provides that a person required to give a document or record to the Investigator in accordance with subclause 90(1), knowingly gives to the Investigator a document or record that is false or misleading in a material particular, is guilty of offence and will be liable to imprisonment of twelve months.
- Clause 91(5) Advises that subclause 91(4) does not apply if, in giving the Investigator the document or record, the person tells the Investigator that it was false or

misleading in a material particular and specifies in what way it was false or misleading.

### **Clause 92 - Report of Investigation**

- Clause 92(1) Requires that on completion of an investigation the Investigator must make a written report to the Minister on the investigation and also give to the Minister any documents, records or other things associated with the investigation that the Minister might require
- Clause 92(2) Provides that no part of the report, or any document associated with the report, given by the Investigator to the Minister can be published without the Minister's written approval.
- Clause 92(3) Advises that if the Minister considers that publication of any information contained in any report or document provided under this clause is desirable as a means to promote safety in the space industry, and in space launch operations in particular, the Minister may direct that the information to be published.

### **Clause 93 - Custody of space object etc.**

- Clause 93(1) Provides that if an accident occurs, the space object or its wreckage or anything in the space object or its wreckage is taken to be in the custody of the Minister until an Investigator is appointed, to investigate the accident. When the Investigator is appointed, responsibility for the custody of the space object or the wreckage of the space object automatically passes to the Investigator.
- Clause 93(2) Provides that when it is no longer necessary for the Investigator to keep any thing of which he had custody for purpose of the investigation, that thing must be released to the owner or the authorised agent of the owner.
- Clause 93(3) Provides that where a person removes or interferes with any thing that is in the custody of the Minister or in the custody of the Investigator, unless with the permission of the Minister or Investigator, or in accordance with subclause 93(4), that person is guilty of an offence and liable to imprisonment for a maximum of 6 months.
- Clause 93(4) Clarifies that subclause 93(3) does not disallow actions necessary for removal of persons or the bodies of persons from the wreckage of a space object, or the protection of the wreckage from destruction by fire or other causes, or prevention of immediate danger to person or property or the removal of the space object or the wreckage and its contents to a safe place if the space object has crashed in or is wrecked on water.

### **Clause 94 - Automatic suspension of launch permit etc. after accident**

- Clause 94(1) Provides, in the event of an accident, for the immediate and automatic suspension of a launch permit, exemption certificate or clause 43 authorisation under which the launch or return of the space object was carried out, and provides that the suspension is to remain in force at the Minister's discretion.
- Clause 94(2) Provides that the launch permit, exemption certificate or clause 43 authorisation has no effect while suspended, thus preventing the holder from undertaking any of the activities authorised by the permit etc, but continues to run despite the suspension

Clause 94(3) Allows for the launch permit, exemption certificate or clause 43 authorisation to be revoked or varied while it is under suspension.

### **Clause 95 - Disclosure of safety records**

Clause 95(1) Provides that an investigating officer, is not to disclose to any person, or to a court, a safety record, or give to any person, or to a court, a safety record except for the purpose of this Part

Clause 95(2) Establishes that any person who contravenes subclause 95(1) is guilty of an offence, and liable to a penalty not exceeding 30 penalty units.

Clause 95(3) Clarifies that subclause 95(1) does not apply if the disclosure of the safety record is required by the court in relation to criminal proceedings, bail proceedings or an investigation relating to a criminal offence.

Clause 95(4) Provides that an investigation officer may disclose a safety record to the Minister.

Clause 95(5) Provides that subclause 95(1) does not apply if a court has made an order for the disclosure.

Clause 95(6) Allows a person who wishes to see a safety record to apply to court to order the disclosure of the safety record to the court.

Clause 95(7) Requires that, before a court can order the disclosure of a safety record, it must take account of any possible adverse impact on an ongoing or future accident investigation that the disclosure or production of the safety record may have, however; if the court is satisfied that, notwithstanding any such adverse impact, or other relevant matter the disclosure or production of the record is in the public interest then it must order the disclosure.

Clause 95(8) Requires that where a court makes such an order it must also order that access to the safety record is to be restricted to the persons constituting the court, and parties to the proceedings, the parties legal representatives and specified witnesses for the purposes of the proceedings; however, where a court is satisfied that to so restrict access to a safety record would not be just, or would not be compatible with the performance of the court's functions the court is not required to make an order restricting access to the record.

Clause 95(9) Establishes that the term *investigation officer* means the current or former Minister, the Investigator or any person who performs any functions or provides any services in support of an investigation.

Establishes that the term *safety record* means all statements taken by the Investigator in the course of the investigation, all communications between any persons involved in the operation of the space object involved in an accident or incident, and any relevant medical or personal information about any of the persons, whether living or deceased, involved in an accident or incident.

### **Clause 96 - Relationship with other powers**

Clause 96 Provides for the powers and functions of a Commonwealth agency or person (other than a member of the Australian Federal Police) under another law of the Commonwealth, that would allow the agency or person to investigate any matters



relating to an accident or incident, to be exercised and performed subject to this Part.

### **Division 3 - Accident site powers**

This Division defines *accident site* and *accident site premises*, establishes the power of the Investigator, and persons assisting the Investigator, to enter an accident site premises, sets out procedures for entry to accident site premises, including the use of identity cards and obtaining assistance, and makes it an offence to enter or remain on an accident site without the permission of the Investigator.

#### **Clause 97 - Accident sites and accident site premises**

Clause 97 Establishes that the term *accident site* means a site where an accident has occurred, or the site at which a space object involved in an accident has impacted, or a site on which there is a space object that has been involved in an accident, and also includes whatever area around any of the sites that the Investigator requires to facilitate the investigation of the accident or to secure and protect the site.

Establishes that the term *accident site premises* means any premises on which there is an accident site as defined above, or premises on which it is necessary to enter to get to an accident site, that is, an accident site premises may include premises on which no accident (ie a space object or impact point caused by a space object) but which offers the only means of access to the accident site.

*(In the case of a catastrophic accident resulting in dispersal over a wide area of debris from a space object, the accident site or accident site premises prescribed by the Investigator may cover many square kilometres, with the consequential restriction or total exclusion of unauthorised persons from that area).*

#### **Clause 98 - Power of entry to accident site**

Clause 98(1) Permits the Investigator to enter an accident site premises with or without the consent of the occupier of the accident site premises, to leave and re-enter the accident site premises at will during the access period, to take control of and secure the accident site during the access period, to search the accident site, to take photographs, video recordings or sketches of any thing on the site, to inspect, take samples of, or measure any thing on the site, and to take equipment on to the site and operate that equipment.

The Investigator is also permitted to remove the space object, its wreckage or any thing from the accident site premises for the purposes of inspecting sampling or measuring the thing, or for taking photographs or video recordings or subjecting the thing to testing.

Clause 98(2) Specifies that the *access period* is the period beginning when the Investigator first enters the accident site premises, and ending on the day that the Investigator specifies in writing to be the last day of the access period.

Clause 98(3) Provides that the last day of the access period must be no later than is reasonably necessary for investigating the accident, and in any case no later than 28 days after the day on which the access period began.

- Clause 98(4) Allows for the Minister, by a written determination, to extend or further extend the access period beyond the 28 day limit if the Minister considers an extension to be reasonably necessary for completing the investigation of the accident.

**Clause 99 - Procedure before entry**

- Clause 99(1) Requires that the Investigator, or person authorised to assist the Investigator, announces that this Division authorises him or her to enter accident site premises before he or she enters the premises, and give the occupier of the accident site premises reasonable opportunity to allow entry to the premises, that is, the Investigator is to attempt to contact the occupier of the premises, advise of his or her right of entry and (especially where the premises are at a remote location) allow the occupier a reasonable time to arrange entry to the premises.
- Clause 99(2) Requires the Investigator, when seeking consent to enter accident site premises to inform the occupier that the Investigator has powers of entry and search under this Division, even if consent is refused.

**Clause 100 - Identity cards**

- Clause 100(1) Requires that the Investigator must have a card, issued by the Minister, identifying the holder of the card as an Investigator.
- Clause 100(2) Requires that the identification card must include a recent photograph of the Investigator.
- Clause 100(3) Provides that if the Investigator, or a person assisting the Investigator, fails to show his or her identification card, he or she is not entitled to exercise any of the powers under this Part in relation to entry of or activities on the accident site premises.
- Clause 100(4) Provides that as soon as practicable after a person ceases to be an Investigator, his or her identity card must be returned to the Minister.
- Clause 100(5) Establishes that a person who, after ceasing to be an Investigator, fails to return his or her identity card to the Minister, is guilty of an offence and liable to a penalty of 1 penalty unit.

**Clause 101 - Availability of assistance and use of force in entering accident site premises**

- Clause 101 Provides that where the Investigator is not able to obtain the consent of the occupier to enter accident site premises, he or she may obtain such assistance as is reasonably necessary to gain access to the premises, and that the Investigator, or a person assisting the Investigator, may use such force against the occupier and things as is reasonably necessary to force entry where entry is opposed by the occupier.

**Clause 102 - Offence of entering etc. an accident site without permission**

- Clause 102 Establishes that where an accident site has been secured by the Investigator or a person assisting the Investigator, and a person enters or remains within the secured perimeter without the Investigator's permission, that person is guilty of an offence and is liable to a penalty not exceeding 10 penalty units.

## Part 8 - Miscellaneous

### Clause 103 - Delegation

Clause 103 Allows for the Minister to delegate, in writing, to a suitably qualified person/s any or all of his or her powers under the Act

### Clause 104 - Operation of other laws

Clause 104 Confirms that nothing in the *Space Activities Act* limits or excludes the operation of other existing laws of the Commonwealth, except to the extent any such laws are inconsistent with the terms of this Act.

### Clause 105 - Indemnity

Clause 105 Provides that the Commonwealth, the Minister and the Launch Safety Officer for a licensed launch facility are not subject to any liability in respect of anything done or omitted to be done, in good faith, in the performance of their powers and functions under this Act.

### Clause 106 - Compensation: constitutional safety net

Clause 106(1) Requires the Commonwealth to pay a reasonable amount of compensation to a person in respect of the acquisition of any property, where the operation of the Act would result in the acquisition of that property on other than just terms, or would be invalid under the Constitution.

Clause 106(2) Provides that where the person to be compensated and the Commonwealth are in dispute as to the amount of compensation, the person may take proceedings in the Federal Court to recover any such amount from the Commonwealth as the Court decides.

Clause 106(3) Establishes that the meanings of the terms *acquisition of property* and *just terms* are the same meanings as in paragraph 51(xxxi) of the Constitution.

### Clause 107 - Severability: additional effect of Act

Clause 107(1) Provides that without limiting its effect and apart from this clause, the Act will also have the effect as provided by this clause.

Clause 107(2) Provides that the Act also has the effect it would have if its operation were confined to giving effect to the United Nations Space Treaties; and matters external to Australia; and matters of international concern.

Clause 107(3) Provides that the Act also has the effect it would have if the operation of Part 3 were expressly confined to acts or omissions of corporations to which paragraph 51(xx) of the Constitution applies, and the operation of Part 4 were expressly confined to cases in which the responsible party, for the launch or return of a space object, is such a corporation.

- Clause 107(4) Provides that the Act also has the effect it would have if its operation were expressly confined to acts or omissions taking place in the course of, or in relation to, trade and commerce between Australia and places outside Australia; or among the States; or within a Territory, between a Territory and State or between two Territories.
- Clause 107(5) Provides the Act has the same effect it would have if all activities carried out under the Act were expressly confined to acts or omissions taking place in a Territory.
- Clause 107(6) Provides that the Act has the same effect it would have if its operation was expressly confined to acts or omissions taking place in a place acquired by the Commonwealth for public purposes.

### **Clause 108 - Application of Act: pre-existing agreement**

- Clause 108(1) Provides that, subject to this clause, the Act does not apply to any agreement made between the Commonwealth and another person in relation to the launch or return of a space object, or related activities, or the operation of a launch facility or the doing of anything directly connected with the operation of a launch facility, before the date of introduction of the Act.
- Clause 108(2) Provides that any term or condition of a pre-existing agreement which relates to the launch or return of a space object is for purposes of this Act treated as a condition of a launch permit held by that person, and any other relevant term or condition of a pre-existing agreement is treated as a condition of a space licence for the purposes of this Act.
- Clause 108(3) Provides that if a person licensed under a pre-existing agreement launches or returns a space object in a way that is likely to harm public health or safety or to damage property, or the space object contains a nuclear weapon or other weapon of mass destruction, or does not carry insurance cover as required under the agreement, the licence holder will be guilty of an offence punishable on conviction by a fine not exceeding 100,000 penalty units for a body corporate or, for an individual, a term of imprisonment not exceeding ten years, or 600 penalty units, or both.
- Clause 108(4) Allows the Minister the discretion to institute civil proceedings against a person who is alleged to have committed an offence against subclause 108(3), as an alternative to prosecution.
- Clause 108(5) Provides, for a person licensed to launch a space object under a pre-existing agreement, the right of appeal to the Administrative Appeals Tribunal (AAT) for the review of any decision made under the pre-existing agreement, in relation to refusal to authorise launch activities, varying, revoking or suspending such an authorisation or imposing particular conditions on the conduct of such activities.
- As the Administrative Appeals Tribunal Act 1975 only permits review of decisions made under an enactment, this subclause also explains that any decision made under a pre-existing agreement, which is submitted for review by the AAT in respect of the above matters, is deemed to be made under an enactment.*
- Clause 108(6) Clarifies that subclause 108(1) does not apply to Part 5 of the Act, which requires that where an Australian national is the responsible party for the launch of a space object, that space object is placed on the Register of Space Objects.

### **Clause 109 - Regulations**

Clause 109      Allows for matters required or permitted by the Act, or necessary or convenient for carrying out or giving effect to this Act, to be prescribed by regulation.

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