



# Space (Launches and Returns) Act 2018

No. 123, 1998

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Space (Launches and Returns) Act 2018* that shows the text of the law as amended and in force on 14 October 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# **An Act about space activities and high power rockets, and for related purposes**

## **Part 1—Introduction**

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

#### **1 Short title**

This Act may be cited as the *Space (Launches and Returns) Act 2018*.

#### **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

#### **3 Objects of Act**

The objects of this Act are:

- (a) to establish a system for the regulation of space activities carried on either from Australia or by Australian nationals outside Australia; and
- (aa) to establish a system for the regulation of the launch of high power rockets in Australia; and
- (b) to ensure that a reasonable balance is achieved between:
  - (i) the removal of barriers to participation in space activities and the encouragement of innovation and entrepreneurship in the space industry; and
  - (ii) the safety of space activities, and the risk of damage to persons or property as a result of space activities, regulated by this Act; and
- (c) to implement certain of Australia's obligations under the UN Space Treaties.

Note: This Act does not limit the operation of other laws of the Commonwealth (except so far as the other laws are inconsistent with this Act): see section 105.

#### **4 Simplified outline of this Act**

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

#### **5 Act binds the Crown**

- (1) This Act binds the Crown in each of its capacities.

Note: Division 1 of Part 3 does not bind the Commonwealth: see section 16.

- (2) However, this Act does not make the Crown liable to be prosecuted for an offence.

#### **6 External Territories**

This Act extends to the external Territories.

## **6A Extraterritorial operation**

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

## **7 Application of *Criminal Code***

The *Criminal Code* applies to all offences against this Act.

## Division 2—Definitions

### 8 Definitions

In this Act, unless the contrary intention appears:

*accident* has the meaning given by section 85.

*accident site* has the meaning given by section 98.

*accident site premises* has the meaning given by section 98.

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

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

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

*Australia*, when used in a geographical sense, includes the external Territories.

*Australian aircraft* means an aircraft registered in Australia.

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

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

*Australian national* means:

- (a) an Australian citizen; or
- (aa) an Australian resident; or
- (b) a body incorporated by or under a law of the Commonwealth, of a State or of a Territory; or

(c) the Commonwealth, a State or a Territory.

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

***Australian territory*** means the following:

- (a) the territory of Australia and of each external Territory;
- (b) the territorial sea of Australia;
- (c) the waters of the sea on the landward side of the territorial sea of Australia, but not within the limits of a State or internal Territory;
- (d) the territorial sea of each external Territory;
- (e) the waters of the sea on the landward side of the territorial sea of each external Territory, but not within the limits of the external Territory.

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

***Chicago Convention*** means:

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

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

***damage***:

- (a) in relation to a space object—has the same meaning as in the Liability Convention; and
- (b) in relation to a high power rocket—means loss of life, personal injury or other impairment of health or loss of or damage to property of persons.

***fault*** has the same meaning as in the Liability Convention.

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

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

***gross negligence*** has the meaning given by the rules. But if the rules do not give the term a meaning, it has the same meaning as in the Liability Convention.

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

***incident*** has the meaning given by section 86.

***insured amount***, for an Australian launch permit, Australian high power rocket permit, overseas payload permit or return authorisation, means the amount for which the holder of the permit or authorisation is required to be insured under Division 7 of Part 3 in respect of the launch or launches, and any return, covered by the permit or authorisation. In determining this amount, disregard paragraph 47(2)(b) (which deals with direct financial responsibility).

***Investigator*** means a person appointed under section 88.

***launch***:

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

***launch facility*** means a facility (whether fixed or mobile) or place specifically designed or constructed as a facility or place from which space objects can be launched, and includes all other facilities at the facility or place that are necessary to conduct a launch.

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

**launching State** has the same meaning as in the Liability Convention.

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

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

**Launch Safety Officer** means:

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

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

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

**liability period** means:

- (a) for the launch of a space object—the period of 30 days beginning when the launch takes place, or such other period as is specified in the rules; and
- (b) for the return of a space object—the period beginning when the relevant re-entry manoeuvre is begun and ending when

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the object has come to rest on Earth, or such other period as is specified in the rules; and

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

***licensed launch facility*** means a launch facility for which a person holds a launch facility licence.

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

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

***occupier*** of premises includes a person present at the premises who apparently represents the occupier.

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

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

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

***premises*** includes a place and a conveyance.

***Register*** means the Register of Space Objects kept under section 76.

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



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

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

**related party** has the meaning given by section 9.

**responsible party**, for the launch or return of a space object, means:

- (a) in the case of a launch or return authorised by an Australian launch permit—the holder of the permit; or
- (b) in the case of a return authorised by a return authorisation—the holder of the authorisation; or
- (d) in the case of a launch or return that:
  - (i) is not authorised as mentioned in paragraph (a) or (b); but
  - (ii) is covered by an authorisation certificate; the holder of the authorisation certificate; or
- (e) in the case of a launch authorised by an overseas payload permit—the holder of the permit; or
- (f) in any other case—each of the following persons:
  - (i) the person or persons who carried out the launch or return of the space object;
  - (ii) any person who, at any time during the liability period for the launch or return, owned all or some of any payload forming part of the space object concerned;
  - (iii) any other person specified in the rules made for the purposes of this definition.

But, in relation to a launch or return to which paragraph (f) applies, if the space object was launched from a facility (whether fixed or mobile), or place, outside Australia, or if the space object was returned to a place or area outside Australia, a person is only a **responsible party** if the person is also an Australian national.

**return** a space object means return the space object from an area beyond the distance of 100 km above mean sea level to Earth, or attempt to do so.

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

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

**space object** means:

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

**third party**:

- (a) for the launch or return of a space object—means a person who is not a responsible party for the launch or return and who is not a related party (see section 9) of any responsible party for the launch or return; and
- (b) for the launch of a high power rocket—means a person who is not a launch party for the launch and who is not a related party (see section 9) of any launch party for the launch.

**UN space treaties** means the following:

- (a) the Liability Convention;
- (b) the Registration Convention;
- (c) the Outer Space Treaty;
- (d) the Moon and other Celestial Bodies Agreement;
- (e) the Astronauts and Objects Agreement.

## 9 Related party

- (1) A person (the **first person**) is a **related party** of a responsible party for the launch or return of a space object if:
  - (a) the first person has a financial or ownership interest in all or part of the space object; or
  - (b) the first person was involved in preparing all or part of the space object for the launch or return; or

- (c) the first person is a contractor, subcontractor or supplier involved in the launch or return or the preparation of all or part of the space object for the launch or return; or
  - (d) the first person is a director, officer, employee or agent of the responsible party.
- (1A) A person (the **first person**) is a **related party** of a launch party for the launch of a high power rocket if:
- (a) the first person has a financial or ownership interest in all or part of the high power rocket; or
  - (b) the first person was involved in preparing all or part of the high power rocket for the launch; or
  - (c) the first person is a contractor, subcontractor or supplier involved in the launch or the preparation of all or part of the high power rocket for the launch; or
  - (d) the first person is a director, officer, employee or agent of the launch party.
- (2) However, the rules may provide that specified persons are, or are not, **related parties** of a responsible party or a launch party.

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

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

#### **10 Simplified outline of this Part**

- The operation of a launch facility in Australia requires a launch facility licence.
- A launch of a space object from a launch facility in Australia, from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory requires an Australian launch permit or an authorisation certificate.
- A launch of a high power rocket from a facility or place in Australia requires an Australian high power rocket permit or an authorisation certificate.
- A launch of a space object from a facility or place outside Australia by an Australian national requires an overseas payload permit or an authorisation certificate.
- A return of a space object to a place or area in Australia requires an Australian launch permit, a return authorisation or an authorisation certificate.
- A return of a space object to a place or area outside Australia by an Australian national requires a return authorisation or an authorisation certificate.
- The Minister may take into account the security, defence or international relations of Australia in deciding whether to grant a licence, permit or authorisation under this Part.

- The Minister is to appoint a Launch Safety Officer for certain space activities.

## Division 1—Offences and civil penalties

### 11 Launch facility licence required to operate a launch facility in Australia

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

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

Civil penalty: 1,000 penalty units.

### 12 Launch of space object from Australian launch facility, Australian aircraft or foreign aircraft in airspace over Australian territory

A person commits an offence if:

- (a) the person:
  - (i) launches a space object from a launch facility in Australia; or
  - (ii) launches a space object from an Australian aircraft that is in flight; or
  - (iii) launches a space object from a foreign aircraft that is in the airspace over Australian territory; and
- (b) the launch is not authorised by an Australian launch permit held by any person; and
- (c) no authorisation certificate covering the launch is held by any person.

Penalty:

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

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

A person commits an offence if:

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

Penalty:

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

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

A person commits an offence if:

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

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

Penalty:

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

## 15 Return of space object to Australia

A person commits an offence if:

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

Penalty:

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

## 15A Return of space object outside Australia

A person commits an offence if:

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

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

Penalty:

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

## 16 Commonwealth not bound

This Division does not apply to:

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- (a) the Commonwealth; or
- (b) a person acting as an employee or agent of the Commonwealth or as a member of the Defence Force.

Example: The Commonwealth and a private company are to carry out a launch as joint venturers. The Commonwealth would not need a launch facility licence or Australian launch permit etc. to do so, but the private company would (unless the company were acting as an agent of the Commonwealth, in which case it too would be exempt from this Division).

## **17 Activities of international space organisations**

- (1) If an agreement between Australia and another country or countries provides for the establishment of an international organisation whose sole or principal function is to carry on activities in outer space, this Division does not apply in relation to anything done in accordance with the agreement.
- (2) This section applies whether the agreement was made before or after the commencement of this Act.

## Division 2—Launch facility licences

### 18 Granting a launch facility licence

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

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

### 19 Terms of launch facility licence

A launch facility licence:

- (a) must specify the day on which it comes into force; and
- (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 conditions in section 20 and any other conditions specified in the licence.

## 20 Standard launch facility licence conditions

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

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

## 21 Breaching a launch facility licence condition

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

Civil penalty: 1,000 penalty units.

## 22 Transfer of launch facility licence

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

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

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

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

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

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

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

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

- (1) An application for the grant, variation or transfer of a launch facility licence must be made in accordance with the rules.
- (2) Without limiting subsection (1), the rules may provide for the lodging of documents at times worked out in accordance with the rules.

### **25 Procedure etc.**

- (1) If the Minister considers that there may be grounds to vary, revoke or transfer a launch facility licence (other than at the licensee's request), the Minister must:
  - (a) give the licensee written notice of the Minister's opinion specifying the reasons for that opinion; and
  - (b) invite the licensee to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary, revoke or transfer a launch facility licence, the Minister must consider the matters raised in any submission received within the period specified in the notice.
- (3) The Minister must not vary a launch facility licence in a way that changes the location of the licensed launch facility.
- (4) The rules may prescribe other ways in which the Minister must not vary a launch facility licence.

## **26 Suspending a launch facility licence**

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

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

A launch facility licence is granted on the basis that:

- (a) the licence may be transferred under section 22; and
- (b) the licence may be revoked under section 23; and
- (c) the licence may be varied under section 23; and
- (d) the licence may be suspended under section 26; and
- (e) the licence may be transferred, revoked, varied or suspended by or under later legislation; and
- (f) no compensation is payable if the licence is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

## Division 3—Australian launch permits

### 28 Granting an Australian launch permit

- (1) The Minister may grant to a person an Australian launch permit authorising:
- (a) the launch of one or more space objects; or
  - (b) a particular series of launches of space objects that, in the Minister's opinion, having regard to the nature of any payloads to be carried, may appropriately be authorised by a single Australian launch permit;
- from a specified launch facility in Australia, a specified Australian aircraft that is in flight or a specified foreign aircraft that is in the airspace over Australian territory.
- (2) The Australian launch permit may also authorise one or more space objects to be returned, in connection with the launch or launches, to a specified place or area in Australia.

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

- (3) The Minister may grant the Australian launch permit to the person only if all of the following criteria are met:
- (a) the Minister is satisfied that the person who is to carry out the launch or launches, and any connected return, is competent to do so;
  - (b) the Minister is satisfied that the insurance/financial requirements in Division 7 will be satisfied for the launch or launches, and any connected return;
  - (c) the Minister is satisfied that the probability of the launch or launches, or any connected return, causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable;

- (d) the space object or objects concerned are not and do not contain a nuclear weapon or a weapon of mass destruction of any other kind;
  - (e) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the permit should not be granted;
  - (f) any other criteria prescribed by the rules for the purposes of this paragraph.
- (4) If a foreign country is also a launching State for the space object or any of the space objects, the Minister may, in deciding whether to grant the Australian launch permit, have regard to:
- (a) whether there is an agreement between Australia and that foreign country under which that foreign country assumes any liability, and indemnifies Australia, for any damage that the space object or objects may cause; and
  - (b) the terms of that agreement.
- (5) Subsections (3) and (4) do not limit the matters to which the Minister may have regard.

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

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

extend or further extend the period for which the permit remains in force.

### **30 Standard Australian launch permit conditions**

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

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

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

#### *Offence*

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

#### *Penalty:*

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



*Civil penalty*

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

Civil penalty: 1,000 penalty units.

### **32 Transfer of Australian launch permit**

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

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

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

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

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

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

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

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

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

*Debris mitigation strategy*

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

### **35 Procedure etc.**

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

### **36 Suspending an Australian launch permit**

- (1) The Minister may, in writing, suspend an Australian launch permit if:
  - (a) the holder of the permit contravenes a condition of the permit; or
  - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended; or
  - (c) an incident involving a space object covered by the permit occurs during the liability period for the launch or return of the object.
- (2) The Minister must give notice of the suspension to the holder of the permit. The notice must specify the day the suspension takes effect.
- (3) An Australian launch permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).
- (5) The Minister must give notice of the revocation to the holder of the permit. The notice must specify the day the revocation takes effect.
- (6) The Minister may vary or revoke an Australian launch permit even while it is suspended.

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

An Australian launch permit is granted on the basis that:

- (a) the permit may be transferred under section 32; and
- (b) the permit may be revoked under section 33; and
- (c) the permit may be varied under section 33; and
- (d) the permit may be suspended under section 36; and
- (e) the permit may be transferred, revoked, varied or suspended by or under later legislation; and

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

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

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

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

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

- (1) An Australian high power rocket permit authorising the launch of a high power rocket:
  - (a) must specify the day on which the permit comes into force and the period for which it remains in force; and
  - (b) is granted subject to the conditions in section 40 and any other conditions specified in the permit.
- (2) An Australian high power rocket permit may specify that the period for which it remains in force ends on the occurrence of a particular event (rather than at a specified time). For this purpose,

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the rules may set out how to determine when events of a particular kind occur.

Example: An Australian high power rocket permit might specify that it expires when the relevant launch has been (successfully or unsuccessfully) completed. The rules could set out how to determine when this is.

- (3) At any time when an Australian high power rocket permit is in force, the Minister may, by written notice given to the holder of the permit, extend or further extend the period for which the permit remains in force.

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

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

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

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

*Offence*

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

*Penalty:*

- (a) for an individual—imprisonment for 10 years or 5,500 penalty units, or both; or

(b) for a body corporate—100,000 penalty units.

*Civil penalty*

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

Civil penalty: 1,000 penalty units.

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

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

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

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

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

- (a) the holder of the permit immediately before the transfer; and
- (b) the other person.

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

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

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

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

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

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

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

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

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

**45 Procedure etc.**

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

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

- (1) The Minister may, in writing, suspend an Australian high power rocket permit if:
  - (a) the holder of the permit contravenes a condition of the permit; or
  - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended; or



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

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

An Australian high power rocket permit is granted on the basis that:

- (a) the permit may be transferred under section 42; and
- (b) the permit may be revoked under section 43; and
- (c) the permit may be varied under section 43; and
- (d) the permit may be suspended under section 46; and
- (e) the permit may be transferred, revoked, varied or suspended by or under later legislation; and
- (f) no compensation is payable if the permit is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

## Division 5—Overseas payload permits

### 46B Granting an overseas payload permit

- (1) The Minister may grant to a person an overseas payload permit authorising:
- (a) the launch of one or more space objects; or
  - (b) a particular series of launches of space objects that, in the Minister's opinion, having regard to the nature of any payloads to be carried, may appropriately be authorised by a single overseas payload permit;
- from a specified facility (whether fixed or mobile), or specified place, outside Australia using a specified launch vehicle.

Note: Overseas payload permits are required only if an Australian national would be a responsible party for the launch—see section 14.

- (2) The Minister may grant the overseas payload permit to the person only if all of the following criteria are met:
- (a) either:
    - (i) the Minister is satisfied that the insurance/financial requirements in Division 7 will be satisfied for each launch to be conducted under the permit; or
    - (ii) the Minister notifies the person, in writing, that, having regard to the nature and purpose of the space object or space objects concerned, those requirements are not required to be satisfied;
  - (b) the Minister is satisfied that the probability of the launch or launches causing substantial harm to public health or public safety or causing substantial damage to property is sufficiently low;
  - (c) the Minister does not consider that, for reasons relevant to the security, defence or international relations of Australia, the permit should not be granted;
  - (d) any other criteria prescribed by the rules for the purposes of this paragraph.

- (3) The Minister may, in deciding whether to grant the overseas payload permit, have regard to:
  - (a) whether there is an agreement or arrangement between Australia and the other launching State, or any of the other launching States, under which that State or those States assume liability, and indemnify Australia, for any damage that the space object or objects may cause; and
  - (b) the terms of that agreement or arrangement.
- (4) Subsections (2) and (3) do not limit the matters to which the Minister may have regard.

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

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

Example: An overseas payload permit might specify that its period expires when the relevant launch has been (successfully or unsuccessfully) completed. The rules could set out how to determine when this is.
- (3) At any time when an overseas payload permit is in force, the Minister may, by written notice given to the holder of the permit, extend or further extend the period for which the permit remains in force.

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

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

Civil penalty: 1,000 penalty units.

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**46E Transfer of overseas payload permit**

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

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

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

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

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

Note: See section 46H for the procedure for varying or revoking an overseas payload permit.

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

**46G Applying for the grant, variation or transfer of an overseas payload permit**

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

*Debris mitigation strategy*

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

**46H Procedure etc.**

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

**46J Suspending an overseas payload permit**

- (1) The Minister may, in writing, suspend an overseas payload permit if:
  - (a) the holder of the permit contravenes a condition of the permit; or
  - (b) if subparagraph 46B(2)(a)(i) applied—the Minister is satisfied that the insurance/financial requirements in Division 7 are not satisfied for a launch to be conducted under the permit; or

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- (c) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended.
- (2) The Minister must give notice of the suspension to the holder of the permit. The notice must specify the day the suspension takes effect.
- (3) An overseas payload permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).
- (5) The Minister must give notice of the revocation to the holder of the permit. The notice must specify the day the revocation takes effect.
- (6) The Minister may vary or revoke an overseas payload permit even while it is suspended.

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

An overseas payload permit is granted on the basis that:

- (a) the permit may be transferred under section 46E; and
- (b) the permit may be revoked under section 46F; and
- (c) the permit may be varied under section 46F; and
- (d) the permit may be suspended under section 46J; and
- (e) the permit may be transferred, revoked, varied or suspended by or under later legislation; and
- (f) no compensation is payable if the permit is transferred, revoked, varied or suspended as mentioned in any of the above paragraphs.

## Division 6—Return authorisations

### 46L Giving a return authorisation

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

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

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

*Offence*

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

*Penalty:*

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

*Civil penalty*

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



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

Civil penalty: 1,000 penalty units.

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

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

Civil penalty: 1,000 penalty units.

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

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

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

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

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

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

**46R Procedure etc.**

- (1) If the Minister considers that there may be grounds to vary or revoke a return authorisation (other than at the authorisation holder's request), the Minister must:
  - (a) give the holder of the authorisation written notice of the Minister's opinion specifying the reasons for that opinion; and
  - (b) invite the holder to make a written submission to the Minister about the matter within a reasonable period specified in the notice.
- (2) In deciding whether to vary or revoke the authorisation, the Minister must consider the matters raised in any submission received within the period specified in the notice.

**46S Suspending a return authorisation**

- (1) The Minister may, in writing, suspend a return authorisation if:
  - (a) the holder of the authorisation contravenes a condition of the authorisation; or
  - (b) the Minister considers that, for reasons relevant to the security, defence or international relations of Australia, the authorisation should be suspended; or
  - (c) an incident involving a space object covered by the authorisation occurs during the liability period for the return of the object.
- (2) The Minister must give notice of the suspension to the holder of the authorisation. The notice must specify the day the suspension takes effect.
- (3) A return authorisation has no effect while suspended.
- (4) The Minister may, in writing, revoke a suspension under subsection (1).
- (5) The Minister must give notice of the revocation to the holder of the authorisation. The notice must specify the day the revocation takes effect.

- (6) The Minister may vary or revoke a return authorisation even while it is suspended.

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

A return authorisation is given on the basis that:

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

## Division 6A—Authorisation certificates

### 46U Authorisation certificates

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

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

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

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

- (3) Subsection (2) does not limit the matters to which the Minister may have regard.
- (4) Within 7 sitting days of issuing an authorisation certificate, the Minister must cause a copy of the certificate to be tabled in each House of the Parliament.

### 46V Terms of authorisation certificate

- (1) An authorisation certificate:
  - (a) comes into force on a specified day or when a specified event happens; and
  - (b) remains in force for a specified period (which may be a period that ends on the occurrence of a specified event).
- (2) For the purposes of subsection (1), the rules may set out how to determine when events of a particular kind occur.

- (3) At any time when an authorisation certificate is in force, the Minister may, by written notice, extend or further extend the period for which the certificate remains in force.
- (4) An authorisation certificate is issued subject to any conditions specified in the certificate.

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

The holder of an authorisation certificate must not contravene a condition of the certificate.

Civil penalty: 1,000 penalty units.

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

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

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

An authorisation certificate is issued on the basis that:

- (a) the certificate may be revoked under section 46X; and
- (b) the certificate may be varied under section 46X; and
- (c) the certificate may be revoked or varied by or under later legislation; and
- (d) no compensation is payable if the certificate is revoked or varied as mentioned in any of the above paragraphs.

## Division 7—Insurance/financial requirements

### 47 Satisfying the insurance/financial requirements

- (1) This Division sets out the *insurance/financial requirements* mentioned in Divisions 3, 4, 5 and 6.
- (2) The holder of an Australian launch permit, Australian high power rocket permit, overseas payload permit or return authorisation, covering a launch or return, satisfies the *insurance/financial requirements* for the launch or return if:
  - (a) throughout the liability period for the launch or return, the insurance requirements in section 48 are satisfied; or
  - (b) the holder has, in accordance with the rules, shown direct financial responsibility for the launch or return for an amount not less than the amount that would otherwise have been applicable under subsection 48(4) for the launch or return.

### 48 Insurance requirements

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

- (1) The insurance requirements are satisfied for:
  - (a) a launch or return authorised by an Australian launch permit; or
  - (b) a return authorised by a return authorisation, where the return of the space object is to a place or area in Australia;if:
  - (c) the holder of the permit or authorisation is insured (to the extent required by subsection (4)) against any liability that the holder might incur under this Act to pay compensation for any damage to third parties that the launch or return causes; and
  - (d) the Commonwealth is insured (to the extent required by subsection (4)) 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.

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

- (2) The insurance requirements are satisfied for:
- (a) a launch authorised by an overseas payload permit; or
  - (b) a return authorised by a return authorisation, where the return of the space object is to a place or area outside Australia;
- if the Commonwealth is insured (to the extent required by subsection (4)) against any liability of the Commonwealth, under the Liability Convention or otherwise under international law, to pay compensation for any damage to third parties that the launch or return causes.

Note: 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.

*Australian high power rocket permit*

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

*Minimum amount of insurance*

- (4) The total insurance, for each launch or return concerned, must be for an amount at least equal to the lesser of the following amounts:

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- (a) the amount specified in the rules for the purposes of this paragraph (which must not exceed \$100 million);
- (b) if the rules set out a method of determining an amount for the purposes of this paragraph—the amount determined using that method.

**49 Additional insurance not precluded**

Nothing in this Act prevents any person from taking out any additional insurance.



## **Division 8—Launch Safety Officer**

### **50 Launch Safety Officer**

- (1) The Minister must, by writing, appoint a Launch Safety Officer for the following:
  - (a) a launch of a space object covered by an Australian launch permit;
  - (b) a return to a place or area in Australia of a space object covered by an Australian launch permit or a return authorisation.
- (2) The same person may be the Launch Safety Officer for more than one launch or return.
- (3) The Minister may, by writing, revoke the appointment.

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

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

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

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

- (1) The Launch Safety Officer for a launch or return of a space object may do all things that are reasonably necessary or convenient to be done for the performance of his or her functions.

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- (2) In particular, the Launch Safety Officer may:
- (a) in relation to the launch of a space object from a launch facility in Australia—with the consent of the holder of the Australian launch permit, or of any person authorised by the holder to give that consent:
    - (i) enter and inspect the facility and the space object if it is at the facility; and
    - (ii) inspect and test any other equipment at the facility; and
  - (aa) in relation to the launch of a space object from an aircraft where the aircraft is in Australia—with the consent of the holder of the Australian launch permit, or of any person authorised by the holder to give that consent, enter and inspect the aircraft and the space object if it is in or on the aircraft; and
  - (b) ask the holder of the Australian launch permit or return authorisation, or any employee, agent or contractor of the holder, to give him or her any information or assistance, for which he or she reasonably asks, to assist in the proper performance of his or her functions; and
  - (c) give any written directions about the launch of the space object carried out, or proposed to be carried out, that the Launch Safety Officer considers necessary to avoid any danger to persons or property, including directions to stop the launch or destroy the space object (whether before or after it is launched); and
  - (d) give any written directions about the return of the space object that the Launch Safety Officer considers necessary to avoid any danger to persons or property, including directions to stop the return or destroy the space object.
- (3) A direction under paragraph (2)(c) or (d) may include a requirement relating to written notice to be given to the Launch Safety Officer of the action taken in response to the direction.
- (4) The Launch Safety Officer is not entitled to exercise any powers under this section at or on a launch facility or in or on an aircraft if:
- (a) the holder of the relevant Australian launch permit, or an employee or agent of the holder, has required the Launch Safety Officer to show identification; and

- (b) the Launch Safety Officer fails to comply with the requirement.
- (5) The Launch Safety Officer's functions and powers do not entitle him or her to be involved in the normal business operations of the holder of a launch facility licence, Australian launch permit or return authorisation.
- (6) The Launch Safety Officer must give the Minister a copy of a direction the Launch Safety Officer gives under paragraph (2)(c) or (d). The Launch Safety Officer must do so within 10 business days after giving the direction.

### **53 Offence for contravening direction**

A person commits an offence if:

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

Penalty: 100 penalty units.

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

- (1) In performing a function or exercising a power under this Act, the Launch Safety Officer must comply with any instructions the Minister gives the Launch Safety Officer.
- (2) The Minister may give different instructions for different launches or returns.
- (3) Within 15 sitting days of giving an instruction to a Launch Safety Officer the Minister must cause a copy of the instruction to be tabled in each House of the Parliament.

### **56 Seizures in emergency situations**

- (1) If, while exercising powers at or on a launch facility or in or on an aircraft, the Launch Safety Officer suspects, on reasonable grounds, that:

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- (a) a thing relevant to an offence against this Act is at or on the facility or is in or on the aircraft; and
  - (b) because the circumstances are so serious and urgent, it is necessary to:
    - (i) search the facility or aircraft, and any receptacle at or on the facility or in or on the aircraft, for the thing; or
    - (ii) seize the thing;to stop the thing from being concealed, lost or destroyed; the Launch Safety Officer may do so.
- (2) The Launch Safety Officer's functions and powers do not entitle him or her to seize anything otherwise than in accordance with this section.

**57 Launch Safety Officer may obtain assistance**

The Launch Safety Officer may arrange for other persons to assist him or her in the performance of his or her functions.

**58 Identity cards**

- (1) The Minister must issue the Launch Safety Officer for a launch or return of a space object with an identity card.
- (2) An identity card must include a recent photograph of the person.
- (3) As soon as practicable after a person ceases to be the Launch Safety Officer for a launch or return of a space object, the person must return his or her identity card to the Minister.
- (4) A person who fails to do so commits an offence.

Penalty for contravention of this subsection: 1 penalty unit.

Note 1: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Note 2: See section 4AA of the *Crimes Act 1914* for the current value of a penalty unit.

## **Division 9—Administration etc.**

### **59 Fees**

#### *Applicants*

- (1) A person making one of the following applications must pay the Commonwealth the relevant fee prescribed by the rules for the purposes of this section:
  - (a) an application for a launch facility licence or for a transfer or variation of such a licence;
  - (b) an application for an Australian launch permit or for a transfer or variation of such a permit;
  - (c) an application for an Australian high power rocket permit or for a transfer or variation of such a permit;
  - (d) an application for an overseas payload permit or for a transfer or variation of such a permit;
  - (e) an application for a return authorisation or for a variation of such an authorisation;
  - (f) an application for an authorisation certificate.

The rules may prescribe different fees for different applications.

#### *Setting fee*

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

#### *Fee must not amount to taxation*

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

#### *Time for payment of fee*

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

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*Fee instalments*

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

*Waiver of fee*

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

*Unpaid fee*

- (7) If any amount of a fee remains unpaid after it becomes due for payment, no decision is to be made on the application concerned until that amount has been paid.
- (8) If any amount of a fee remains unpaid after it becomes due for payment, that amount is a debt due to the Commonwealth and may be recovered by the Minister, on behalf of the Commonwealth, by action in the Federal Court or Federal Circuit and Family Court of Australia (Division 2).

**60 Request for information**

The Minister may, by written notice, ask:

- (a) an applicant for, or the holder of, a launch facility licence; or
  - (b) an applicant for, or the holder of, an Australian launch permit; or
  - (ba) an applicant for, or the holder of, an Australian high power rocket permit; or
  - (c) an applicant for, or the holder of, an overseas payload permit; or
  - (d) an applicant for, or the holder of, a return authorisation;
- to give the Minister, within the period specified in the notice, any information the Minister requires for the purposes of performing functions or exercising powers under this Act in relation to the licence, permit or authorisation.

## 61 Review of decisions

An application may be made to the Administrative Review Tribunal for review of any decision of the Minister:

- (a) refusing to grant, vary or transfer a launch facility licence; or
- (b) varying, revoking, suspending or transferring a launch facility licence; or
- (c) refusing to grant, vary or transfer an Australian launch permit, Australian high power rocket permit or overseas payload permit; or
- (d) varying, revoking, suspending or transferring an Australian launch permit, Australian high power rocket permit or overseas payload permit; or
- (e) refusing to extend, or further extend, the period for which an Australian launch permit, Australian high power rocket permit or overseas payload permit remains in force; or
- (f) refusing to give or vary a return authorisation; or
- (g) varying, revoking or suspending a return authorisation; or
- (h) refusing to grant or vary an authorisation certificate; or
- (i) varying or revoking an authorisation certificate; or
- (ia) refusing to extend, or further extend, the period for which an authorisation certificate remains in force; or
- (j) imposing a particular condition or conditions on a launch facility licence, Australian launch permit, Australian high power rocket permit, overseas payload permit, return authorisation or authorisation certificate.

## 62 Notice of decisions

- (1) If the Minister grants, varies, revokes, suspends or transfers any of the following, the Minister may cause to be published on the Department's website a notice setting out such information as the Minister considers appropriate:
  - (a) a launch facility licence;
  - (b) an Australian launch permit;
  - (c) an Australian high power rocket permit;
  - (d) an overseas payload permit;

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



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

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

#### **62A Simplified outline of this Part**

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

## Division 1—Scope of Part

### 63 Damage covered

- (1) This Part applies to damage a space object causes if:
  - (a) either:
    - (i) the object is launched from a launch facility in Australia, from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory; or
    - (ii) Australia is a launching State in relation to the object; and
  - (b) the damage is caused during the liability period for the launch.
- (2) This Part also applies to damage a space object causes if:
  - (a) the object is returned to a place or area in Australia; and
  - (b) the damage is caused during the liability period for the return.
- (2A) This Part also applies to damage a space object causes if:
  - (a) either:
    - (i) the object is launched from a launch facility in Australia, from an Australian aircraft that is in flight or from a foreign aircraft that is in the airspace over Australian territory; or
    - (ii) Australia is a launching State in relation to the object; and
  - (b) the object is returned to a place or area outside Australia; and
  - (c) the damage is caused during the liability period for the return.
- (3) This Part applies to damage mentioned in subsection (1), (2) or (2A):
  - (a) whether the damage happens on Earth, in the air or in space; and
  - (b) whether the damage happens in Australia or outside it; and

- (c) whether or not the launch or return was authorised under this Act; and
- (d) whether or not the launch or return was covered by an authorisation certificate.

**64 Compensation for third party damage by space objects to be determined solely under this Part**

- (1) Compensation for damage to which this Part applies caused to third parties is only payable in accordance with this Part.
- (2) However, this section does not prevent Australia from complying with any obligation to pay compensation under the Liability Convention, or otherwise under international law, for such damage.

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

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

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

#### **66 Scope of Subdivision**

This Subdivision applies to all damage to which this Part applies, except for damage a space object causes in connection with the return of the space object where:

- (a) neither the object, nor any part of it, was launched from a launch facility in Australia, from an Australian aircraft in flight or from a foreign aircraft in the airspace over Australian territory; and
- (b) the responsible party for the return is not an Australian national.

Note: Subdivision B deals with that other kind of damage.

#### **67 Damage on Earth or in the air**

- (1) The responsible party for the launch or return of a space object is liable to pay compensation for any damage the space object causes to a third party:
  - (a) on Earth; or
  - (b) as a result of damage to aircraft in flight.
- (2) However, the responsible party is not liable to the extent that the responsible party establishes that the damage resulted from:
  - (a) the gross negligence of the third party; or
  - (b) any conduct (whether by act or omission) that the third party engaged in with intent to cause the damage.

#### **68 Damage to other space objects**

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

otherwise than on Earth or as a result of damage to aircraft in flight:

- (a) to a space object launched or operated by a third party; or
- (b) to a third party, or the property of a third party, on board such a space object;

to the extent that the damage is due to the fault of the responsible party or of a related party.

## **69 Limit on amount of permit or certificate holder's liability**

- (1) This section applies if:
  - (a) the launch or return of a space object that causes damage covered by this Subdivision was authorised by an Australian launch permit; and
  - (b) the damage did not result from a breach of any of the conditions of the permit or of any relevant launch facility licence, from any conduct (whether by act or omission) that the responsible party or a related party engaged in with intent to cause the damage or from the gross negligence of the responsible party or a related party.
- (2) This section also applies if:
  - (a) the launch of a space object that causes damage covered by this Subdivision was authorised by an overseas payload permit; and
  - (b) the damage did not result from a breach of any of the conditions of the permit, any conduct (whether by act or omission) that the responsible party or a related party engaged in with intent to cause the damage or from the gross negligence of the responsible party or a related party.
- (3) The responsible party is not liable to pay compensation for the damage to the extent that the amount of the compensation would exceed the insured amount for the Australian launch permit or overseas payload permit.
- (4) If:

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- (a) the responsible party has paid compensation for the damage of an amount equal to the insured amount for the Australian launch permit or overseas payload permit; and
- (b) apart from this section, the responsible party would be liable to pay further compensation to Australian nationals for the damage of an amount (the *excess amount*) in excess of the insured amount for the Australian launch permit or overseas payload permit;

then the Commonwealth is liable to pay compensation to the Australian nationals for the damage of an amount equal to so much of the excess amount as does not exceed \$3 billion.

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

**Subdivision B—Rules for certain returns conducted by overseas nationals**

**70 Scope of Subdivision**

This Subdivision applies to damage to which this Part applies that a space object causes in connection with the return of the space object where:

- (a) neither the object, nor any part of it, was launched from a launch facility in Australia, from an Australian aircraft in flight or from a foreign aircraft in the airspace over Australian territory; and
- (b) the responsible party for the return is not an Australian national.

Note: Subdivision A deals with the other kinds of damage to which this Part applies.

**71 Liability**

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

## **Division 3—Procedure etc.**

### **72 Federal Court and Federal Circuit and Family Court of Australia (Division 2) have jurisdiction**

The Federal Court and Federal Circuit and Family Court of Australia (Division 2) have jurisdiction to hear and determine actions for compensation for damage to which this Part applies.

### **73 Action for compensation**

- (1) An action for compensation for damage to which this Part applies may only be brought:
  - (a) within one year after the day on which the damage occurred; or
  - (b) if, when the damage occurred, the person bringing the action did not know that it had occurred—within one year after the day on which the person:
    - (i) became aware of the damage; or
    - (ii) would have become aware of the damage, if the person had exercised due diligence.
- (2) If, in accordance with the Liability Convention or otherwise under international law:
  - (a) a foreign country has presented a claim against Australia for compensation for damage caused by a space object to which an Australian launch permit, overseas payload permit, return authorisation or authorisation certificate relates; or
  - (b) such a claim made by a foreign country has been settled;a person who has suffered damage covered by the claim may not commence an action, against the responsible party, seeking compensation for that damage.

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

### **74 Responsible party's liability to the Commonwealth**

- (1) This section applies if, in accordance with the Liability Convention or otherwise under international law:
  - (a) a foreign country has presented a claim against Australia for compensation for damage covered by this Part; and
  - (b) Australia becomes liable to any extent to pay compensation for the damage.
- (2) The responsible party for the relevant launch or return is liable to pay the Commonwealth an amount equal to the lesser of the following amounts:
  - (a) the amount of that compensation;
  - (b) if the launch or return of the space object concerned was authorised by an Australian launch permit or overseas payload permit, and section 69 applies—the insured amount for the permit.

**Note:** A foreign country could not present a claim against Australia under the Liability Convention if proceedings under this Part were already in progress in respect of the same damage: see Article XI.2 of the Convention.

### **75 Claims Commission**

If, in accordance with the Liability Convention, it is necessary to establish a Claims Commission to settle a claim presented to the Commonwealth, the Commonwealth may do anything that it is required to do under the Convention to establish the Commission and enable it to give a decision or award as provided under the Convention.



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

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

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

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

## **Division 2—Scope of Part**

### **75B Damage covered**

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

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

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

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

## **Division 3—Liability for third party damage**

### **75D Damage on Earth or in the air**

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

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

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

**Part 4A** Liability for damage by high power rockets

**Division 3** Liability for third party damage

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then the Commonwealth is liable to pay compensation to the Australian nationals for the damage of an amount equal to so much of the excess amount as does not exceed \$3 billion.

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

## **Division 4—Procedure etc.**

### **75F Federal Court and Federal Circuit and Family Court of Australia (Division 2) have jurisdiction**

The Federal Court and the Federal Circuit and Family Court of Australia (Division 2) have jurisdiction to hear and determine actions for compensation for damage to which this Part applies.

### **75G Action for compensation**

An action for compensation for damage to which this Part applies may only be brought:

- (a) within 1 year after the day on which the damage occurred; or
- (b) if, when the damage occurred, the person bringing the action did not know that it had occurred—within 1 year after the day on which the person:
  - (i) became aware of the damage; or
  - (ii) would have become aware of the damage, if the person had exercised due diligence.

## Part 5—Register of Space Objects

### 75H Simplified outline of this Part

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

### 76 Minister to keep Register

- (1) The Minister must keep a Register of Space Objects.
- (2) The Minister must enter in the Register the following particulars for a space object that is launched into Earth orbit or beyond under an Australian launch permit, overseas payload permit or authorisation certificate:
  - (a) the registration number given to the space object under section 77;
  - (b) the launch facility;
  - (c) the date of the launch;
  - (d) the space object's basic orbital parameters, including:
    - (i) the nodal period; and
    - (ii) its inclination; and
    - (iii) its apogee and perigee;
  - (e) the space object's general functions;
  - (f) if a country other than Australia is also a launching State for the space object—the name of that country;
  - (g) any other particulars prescribed by the rules for the purposes of this paragraph.
- (3) In keeping the Register, the Minister must have regard to the Registration Convention and any other international agreement or arrangement relating to the registration of space objects to which Australia is a party.

- (4) The Minister may vary or remove an entry on the register as needed.
- (5) The Minister must cause the Register to be made publicly available on the Department's website.

### **77 Registration number**

- (1) When the Minister grants an Australian launch permit, overseas payload permit or authorisation certificate authorising the launch of a space object, the Minister must allocate to the space object a registration number by which it can be identified.
- (2) The Minister may allocate a registration number to a space object at any other time.

## Part 6—Civil penalties

### 80 Simplified outline of this Part

- A civil penalty provision of this Act is enforceable under Part 4 of the Regulatory Powers Act. A relevant court may order a person contravening a civil penalty provision to pay to the Commonwealth a pecuniary penalty.

### 81 Civil penalty provisions

#### *Enforceable civil penalty provisions*

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

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

#### *Authorised applicant*

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

#### *Relevant court*

- (3) For the purposes of Part 4 of the Regulatory Powers Act, each of the following courts is a relevant court in relation to the civil penalty provisions of this Act:
  - (a) the Federal Court;
  - (b) the Federal Circuit and Family Court of Australia (Division 2).



*Extension to external Territories*

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

## **Part 7—Investigation of accidents**

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

#### **83 Simplified outline of this Part**

- Investigators can investigate accidents or incidents involving:
  - (a) a space object launched from a launch facility in Australia or from an aircraft that is in the airspace over Australian territory; or
  - (b) a space object returned to a place or area in Australia; or
  - (c) a high power rocket launched from a facility or place in Australia.
- The Minister appoints the investigators.

## **Division 1—Scope of Part**

### **84 Scope of Part**

- (1) This Part applies if an accident (see section 85) or an incident (see section 86) involving a space object occurs during:
  - (a) the liability period for the launch of the space object from a launch facility in Australia or from an aircraft that is in the airspace over Australian territory; or
  - (b) the liability period for the return of the space object to a place or area in Australia.
- (2) This Part also applies if an accident (see section 85) or an incident (see section 86) involving a high power rocket occurs during the liability period for the launch of the rocket from a facility (whether fixed or mobile), or place, in Australia.

### **85 Meaning of *accident***

An ***accident*** involving a space object or high power rocket occurs if:

- (a) a person dies or suffers serious injury as a result of the operation of the space object or high power rocket; or
- (b) the space object or high power rocket is destroyed or seriously damaged or causes damage to other property (other than in the circumstances prescribed by the rules).

### **86 Meaning of *incident***

An ***incident*** is an occurrence associated with the operation of a space object or high power rocket that affects or could affect the safety of the operation of the space object or high power rocket or that involves circumstances indicating that an accident nearly occurred.

## Division 2—Investigations

### 87 Object of Division

- (1) The object of this Division is, by establishing a system of investigating the circumstances surrounding any accident or incident, to prevent other accidents and incidents occurring.
- (2) It is not the object of this Division:
  - (a) to provide a way of apportioning blame for an accident or incident; or
  - (b) to provide a way of determining the liability of any person in respect of an accident or incident.

### 88 Appointing an Investigator

#### *Accident involving space object*

- (1) If an accident involving a space object occurs, the Minister must appoint a person as the Investigator of the accident.

#### *Accident involving high power rocket*

- (1A) If an accident involving a high power rocket occurs in circumstances where:
  - (a) a person dies or suffers serious injury as a result of the operation of the rocket; or
  - (b) the rocket causes damage to other property;the Minister must appoint a person as the Investigator of the accident.
- (1B) If an accident involving a high power rocket occurs in circumstances where:
  - (a) the rocket is destroyed or seriously damaged; and
  - (b) subsection (1A) does not apply;the Minister may appoint a person as the Investigator of the accident.

*Incident involving space object or high power rocket*

- (2) If an incident occurs, the Minister may appoint a person as the Investigator of the incident.

*Appointee to have suitable qualifications and experience*

- (3) Before appointing a person under this section, the Minister must be satisfied that the person has suitable qualifications and experience to be an Investigator.

## **89 Investigator to investigate accident or incident**

- (1) An Investigator appointed under section 88 must investigate the circumstances surrounding the relevant accident or incident.
- (2) In particular, the Minister may determine the terms of reference of the investigation.

## **90 Investigator may invite assistance**

- (1) An Investigator may invite other persons to assist him or her in performing any or all of his or her functions under this Division.
- (2) A person who gives such assistance is entitled to be paid fees and allowances for expenses, as determined under the rules.

## **91 Investigator's powers to gather information**

- (1) In conducting an investigation under this Division, the Investigator may, by written notice:
  - (a) require a person to attend before the Investigator and answer questions about matters relevant to the investigation; and
  - (b) require the person to give the Investigator a specified document or record, a specified part or component of a space object or high power rocket or any other thing relevant to the investigation.
- (2) A notice under subsection (1) must be signed by the Investigator and must specify the time and place at which the person is required to attend or to give the relevant thing.

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- (3) The Investigator may require the person to answer questions mentioned in paragraph (1)(a) on oath or affirmation. For that purpose, the Investigator may administer an oath or affirmation to the person.
- (4) The Investigator may:
  - (a) retain a thing given in accordance with a requirement under subsection (1) for as long as is reasonably necessary for the purposes of the investigation; and
  - (b) if the thing is a document or record—make copies of, or take extracts from, the document or record.
- (5) If a person answers a question in accordance with subsection (1), the answer, and any information or thing obtained directly or indirectly as a result, is not admissible in evidence against the person in any proceeding (other than a proceeding in respect of the falsity of the answer).
- (6) If a person gives a thing in accordance with subsection (1), the thing, and any information or thing obtained directly or indirectly as a result, is not admissible in evidence against the person in a criminal proceeding or in a proceeding for the recovery of a penalty.
- (7) A person who attends before the Investigator under this section is entitled to be paid fees and allowances for expenses, as determined under the rules.

**92 Offences relating to section 91 requirements**

- (1) A person commits an offence if:
    - (a) the person fails to attend before the Investigator in accordance with a requirement under subsection 91(1); or
    - (b) the person refuses to take an oath or make an affirmation in accordance with a requirement under subsection 91(3); or
    - (c) the person refuses or fails to answer a question in accordance with a requirement under subsection 91(1); or
    - (d) the person fails to give the Investigator a thing in accordance with a requirement under subsection 91(1) and it would have been reasonably practicable for the person to have done so.
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Penalty: 30 penalty units.

- (2) However, a person is not required to answer a question or give a thing if doing so might tend to incriminate the person or expose the person to a penalty.
- (3) A person commits an offence if:
  - (a) a requirement is made of the person under subsection 91(1); and
  - (b) the person gives information to the Investigator in answering a question lawfully put to the person by the Investigator; and
  - (c) the person does so knowing that the information is false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

- (4) A person commits an offence if:
  - (a) a requirement is made of the person under subsection 91(1); and
  - (b) the person gives a document or record to the Investigator in accordance with the requirement; and
  - (c) the person does so knowing that the document or record is false or misleading in a material particular.

Penalty: Imprisonment for 12 months.

- (5) Subsection (4) does not apply if, when the person gave the document or record to the Investigator, the person informed the Investigator that it was false or misleading in a material particular and specified in what respect it was false or misleading.

### **93 Report of investigation**

- (1) When an investigation is completed, the Investigator must give the Minister a written report of the investigation and, if the Minister requires, any relevant documents, records or other things.
- (2) Subject to subsection (3), no part of a report or other document given to the Minister under this section may be published without the Minister's written approval.

- (3) The Minister may cause to be published any information contained in a report or document given to the Minister under this section if he or she considers that publishing the information is desirable in the interest of promoting safety in the space industry.

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

- (1) If an accident involving a space object occurs, the space object or the space object wreckage concerned and any thing in the space object or wreckage is taken to be in the Minister's custody until an Investigator is appointed for the accident. The things are then taken to be in the Investigator's custody.
- (1A) If an accident involving a high power rocket occurs in circumstances where:
- (a) a person dies or suffers serious injury as a result of the operation of the rocket; or
  - (b) the rocket causes damage to other property;
- the rocket or the rocket wreckage concerned and any thing in the rocket or wreckage is taken to be in the Minister's custody until an Investigator is appointed for the accident. The things are then taken to be in the Investigator's custody.
- (2) When it is no longer necessary to retain a thing for the purposes of the investigation, the Investigator must release custody of the thing to its owner or to a person the owner authorises to receive it.
- (3) A person commits an offence if:
- (a) the person removes or otherwise interferes with a thing that is in the custody of the Minister or Investigator under subsection (1) or (1A); and
  - (b) the person removes or otherwise interferes with the thing without:
    - (i) if the thing is in the custody of the Minister—the Minister's permission; or
    - (ii) if the thing is in the custody of the Investigator—the Investigator's permission.

Penalty: Imprisonment for 6 months.



- (4) Subsection (3) does not prevent any action necessary for all or any of the following:
- (a) extracting persons (including deceased persons) from the wreckage of a space object or high power rocket;
  - (b) protecting the wreckage from being destroyed by fire or other cause;
  - (c) preventing immediate danger to the safety of persons or property;
  - (d) moving the space object or high power rocket or the wreckage and its contents to a safe place when the object or rocket crashes on water or is wrecked on water.

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

## **95 Suspension of permit, authorisation or certificate after accident**

- (1) Immediately after an accident occurs, the Australian launch permit, Australian high power rocket permit, return authorisation or authorisation certificate under which the relevant launch or return was carried out is taken to be suspended, until the Minister revokes the suspension.
- (2) The permit, authorisation or certificate has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (3) The permit, authorisation or certificate may be revoked or varied even while it is suspended.

## **96 Disclosure of safety records**

- (1) An investigation officer (see subsection (9)) must not, except for the purposes of this Part, directly or indirectly:
  - (a) disclose a safety record (see subsection (9)) to any person or a court; or
  - (b) give a safety record to any person or a court.
- (2) A person who contravenes subsection (1) commits an offence.

Penalty: 30 penalty units.

**Part 7** Investigation of accidents

**Division 2** Investigations

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Note 1: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Note 2: See section 4AA of the *Crimes Act 1914* for the current value of a penalty unit.

- (3) Subsection (1) does not apply to criminal proceedings, investigations relating to a criminal offence or a proceeding relating to bail.
- (4) Subsection (1) does not apply to the disclosure of a safety record to the Minister under section 93.
- (5) Subsection (1) does not prohibit an investigation officer from disclosing or giving a safety record to a court if an order is made under subsection (7).
- (6) A person may apply to a court for an order that a safety record must be disclosed or given to the court.
- (7) If the court is satisfied that the disclosure or production of the safety record is in the public interest, having regard to:
  - (a) the adverse impact disclosure or production may have on the investigation to which the record relates or to any future investigations; and
  - (b) any other relevant matter;the court must order the disclosure or production.
- (8) If the court makes such an order, then the court must also make an order that restricts access to the safety record to:
  - (a) the person or persons constituting the court; and
  - (b) the parties to the proceeding (including any interveners); and
  - (c) the parties' legal representatives; and
  - (d) specified witnesses for the purposes of the proceeding;unless the court is satisfied that such an order would not be in the interests of justice or would not be desirable in the interests of the court performing its functions.
- (9) In this section:

***investigation officer*** means a person who is or has been:

  - (a) the Minister; or

- (b) an Investigator; or
- (c) any other person who performs functions or provides services in relation to an investigation under this Part.

**safety record** means all or any of the following:

- (a) all statements (whether oral or written) an Investigator takes from persons in the course of an investigation under this Part, including any record of such a statement;
  - (b) all communications between persons involved in operating a space object or high power rocket that is involved in an accident or incident;
  - (c) medical or personal information about persons (including deceased persons) involved in an accident or incident;
- or any part of such a thing.

## **97 Relationship with other powers**

The powers and functions of a Commonwealth agency or a 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 must be exercised and performed subject to this Part.

## Division 3—Accident site powers

### 98 Accident sites and accident site premises

In this Act:

***accident site*** means:

- (a) a site where an accident has occurred; or
- (b) a site on which there is an impact point caused by a space object or high power rocket that has been involved in an accident; or
- (c) a site on which there is a space object or high power rocket that has been involved in an accident;

together with such area around the site as the Investigator of the accident determines to be reasonably necessary to facilitate the investigation of the accident and securing of the site.

***accident site premises*** means:

- (a) premises on which there is an accident site; or
- (b) premises that it is necessary to enter to get to premises on which there is an accident site.

### 99 Power of entry to accident site

- (1) An Investigator may:
  - (a) with the consent of the occupier of accident site premises; or
  - (b) subject to this Division, without the consent of the occupier of accident site premises;  
enter the premises and do any or all of the following for the purposes of investigating a particular accident:
    - (c) leave and re-enter the accident site premises at any time during the access period (see subsection (2));
    - (d) take control of and secure the accident site during the access period;
    - (e) search the accident site, the space object, the high power rocket or any other thing on or in the site;

- (f) make any still or moving image or any recording of the accident site, the space object, the high power rocket or any other thing on or in the site;
  - (g) inspect or examine a thing;
  - (h) take samples of a thing;
  - (i) measure a thing;
  - (j) take equipment to the accident site and operate the equipment;
  - (k) remove the space object or high power rocket, the space object or high power rocket wreckage or any other thing from the accident site premises and exercise any of the powers mentioned in paragraphs (g), (h) and (i), make any still or moving image or any recording of the thing or subject the thing to testing.
- (2) In this section, 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 a written determination as the last day of the access period.
- (3) That day 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 begins.
- (4) However, the Minister may, by written determination, extend or further extend the access period beyond that 28 day limit, if the Minister considers it is reasonably necessary for investigating the accident.

## **100 Procedure before entry**

- (1) Before an Investigator or a person authorised to assist the Investigator under section 102 enters accident site premises, the Investigator must:
- (a) announce that this Division authorises him or her to enter the premises; and
  - (b) give any occupier at the premises an opportunity to allow entry.

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- (2) When requesting an occupier's consent, the Investigator must tell the person that the Investigator has powers of entry and search under this Division even if the occupier refuses to give his or her consent.

**101 Identity cards**

- (1) The Minister must issue an Investigator a card identifying the holder as an Investigator.
- (2) An identity card must include a recent photograph of the holder.
- (3) An Investigator or is not entitled to exercise any powers under this Part if:
- (a) the occupier of the relevant premises has required the Investigator to show his or her identity card; and
  - (b) the Investigator fails to comply with the requirement.

*Offence*

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

Penalty: 1 penalty unit.

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

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

**102 Availability of assistance and use of force in entering accident site premises**

In entering accident site premises without the consent of the occupier of the premises:

- (a) an Investigator may get such assistance as is necessary and reasonable; and
- (b) the Investigator or a person assisting may use such force against the occupier and things as is necessary and reasonable.

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

A person commits an offence if:

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

Penalty: 10 penalty units.

## Part 8—Miscellaneous

### 103A Simplified outline of this Part

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

### 104 Delegation

The Minister may, by signed writing, delegate to another person any or all of his or her powers under this Act (except the power under subsection 110(1)), if the Minister considers that the person is suitably qualified to exercise the powers concerned.

### 105 Operation of other laws

Nothing in this Act limits or excludes the operation of other laws of the Commonwealth, except to the extent (if any) that they are inconsistent with this Act.

### 106 Immunity

A person is not subject to any liability to any person in respect of anything done, or omitted to be done, in good faith in connection with the exercise or performance of powers, functions or duties under this Act.

### 107 Compensation—constitutional safety net

- (1) If:
  - (a) apart from this section, the operation of this Act would result in the acquisition of property from a person otherwise than on just terms; and
  - (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;



the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.

- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may take proceedings in the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) for the recovery from the Commonwealth of such reasonable amount of compensation as the Court determines.
- (3) In this section:

*acquisition of property* has the same meaning as in paragraph 51(xxxi) of the Constitution.

*just terms* has the same meaning as in paragraph 51(xxxi) of the Constitution.

### **108 Severability: additional effect of Act**

- (1) Without limiting its effect apart from this section, this Act also has effect as provided by this section.
- (2) This Act also has the effect it would have if its operation were expressly confined to:
  - (a) giving effect to the UN Space Treaties; and
  - (aa) giving effect to specified space cooperation agreements; and
  - (ab) giving effect to the Chicago Convention; and
  - (b) matters external to Australia; and
  - (c) matters of international concern.
- (3) This Act also has the effect it would have if:
  - (a) the operation of Part 3 were expressly confined to acts or omissions of corporations to which paragraph 51(xx) of the Constitution applies; and
  - (b) 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; and
  - (c) the operation of Part 4A were expressly confined to cases in which the launch party, for the launch of a high power rocket, is such a corporation.

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- (4) This 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 or commerce:
  - (a) between Australia and places outside Australia; or
  - (b) among the States; or
  - (c) within a Territory, between a State and a Territory or between 2 Territories.
- (5) This Act also has the effect it would have if its operation were expressly confined to acts or omissions taking place in a Territory.
- (6) This Act also has the effect it would have if its operation were expressly confined to acts or omissions taking place in a place acquired by the Commonwealth for public purposes.
- (7) This Act also has the effect that it would have if its operation were expressly confined to matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.

**110 Rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
  - (a) required or permitted by this Act to be prescribed by the rules; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.

- (3) Despite subsection 14(2) of the *Legislation Act 2003*, the rules may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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Endnote 1—About the endnotes

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous (prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
ed = editorial change	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment can be given effect	SR = Statutory Rules
(md not incorp) = misdescribed amendment cannot be given effect	Sub-Ch = Sub-Chapter(s)
mod = modified/modification	SubPt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Space Activities Act 1998	123, 1998	21 Dec 1998	21 Dec 1998 (s 2)	
Space Activities Amendment (Bilateral Agreement) Act 2001	101, 2001	4 Sept 2001	4 Sept 2001 (s 2)	—
Space Activities Amendment Act 2002	100, 2002	10 Nov 2002	Sch 1: 1 Dec 2002 (s 2(1) item 2) Remainder: 10 Nov 2002 (s 2(1) item 1)	—
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 5 (item 137(a)): 1 Mar 2010 (s 2(1) item 38)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 3 (items 188, 189, 343): 29 June 2013 (s 2(1) item 16)	Sch 3 (item 343)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 284–289, 429): 10 Mar 2016 (s 2(1) item 6)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 2 (items 95–99): 21 Oct 2016 (s 2(1) item 1)	—
Space Activities Amendment (Launches and Returns) Act 2018	92, 2018	31 Aug 2018	Sch 1: 31 Aug 2019 (s 2(1) item 1)	Sch 1 (items 189–191)
Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021	13, 2021	1 Mar 2021	Sch 2 (items 738–745): 1 Sept 2021 (s 2(1) item 5)	—

*Space (Launches and Returns) Act 2018*

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Compilation No. 12

Compilation date: 14/10/2024

## Endnotes

### Endnote 3—Legislation history

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<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023	74, 2023	20 Sept 2023	Sch 4 (items 63, 64): 18 Oct 2023 (s 2(1) item 3)	—
Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024	38, 2024	31 May 2024	Sch 13 (item 5): 14 Oct 2024 (s 2(1) item 2)	—



## Endnote 4—Amendment history

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
Title.....	am No 92, 2018
<b>Part 1</b>	
<b>Division 1</b>	
Division 1 heading.....	ad No 92, 2018
s 1.....	am No 92, 2018
s 3.....	am No 101, 2001; No 92, 2018
s 4.....	am No 101, 2001 rs No 92, 2018
s 6A.....	ad No 92, 2018
<b>Division 2</b>	
Part 2 heading.....	rep No 92, 2018
Division 2 heading.....	ad No 92, 2018
s 8.....	am No 101, 2001; No 100, 2002; No 92, 2018; No 13, 2021
s 8A.....	ad No 100, 2002 rep No 92, 2018
s 8B.....	ad No 100, 2002 am No 8, 2010; No 103, 2013 rep No 92, 2018
s 8C.....	ad No 100, 2002 rep No 92, 2018
s 9.....	am No 92, 2018
<b>Part 3</b>	
Part 3 heading.....	rs No 92, 2018
<b>Division 1A</b>	
Division 1A.....	ad No 92, 2018
s 10.....	rs No 92, 2018
<b>Division 1</b>	
Division 1 heading.....	rs No 92, 2018

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 11.....	am No 4, 2016 rs No 92, 2018
s 12.....	am No 4, 2016 rs No 92, 2018
s 13.....	am No 4, 2016 rs No 92, 2018
s 14.....	am No 4, 2016 rs No 92, 2018
s 15.....	rs No 92, 2018
s 15A.....	ad No 92, 2018
s 16.....	am No 92, 2018
<b>Division 2</b>	
Division 2 .....	rs No 92, 2018
s 18.....	am No 100, 2002 rs No 92, 2018
s 19.....	rs No 92, 2018
s 20.....	rs No 92, 2018
s 21.....	rs No 92, 2018
s 22.....	rs No 92, 2018
s 23.....	am No 100, 2002 rs No 92, 2018
s 24.....	am No 100, 2002 rs No 92, 2018
s 25.....	rs No 92, 2018
s 25A.....	ad No 100, 2002 rep No 92, 2018
s 26.....	am No 100, 2002 rs No 92, 2018
s 27.....	rs No 92, 2018
<b>Division 3</b>	
Division 3 .....	rs No 92, 2018

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 28.....	rs No 92, 2018
s 29.....	rs No 92, 2018
s 30.....	am No 4, 2016 rs No 92, 2018
s 31.....	am No 100, 2002 rs No 92, 2018 am No 74, 2023
s 32.....	am No 100, 2002 rs No 92, 2018
s 33.....	am No 100, 2002 rs No 92, 2018
s 34.....	am No 100, 2002 rs No 92, 2018
s 35.....	am No 100, 2002 rs No 92, 2018
s 36.....	rs No 92, 2018
s 37.....	rs No 92, 2018
<b>Division 4</b>	
Division 4 .....	rs No 92, 2018
s 38.....	am No 100, 2002 rs No 92, 2018
s 39.....	am No 100, 2002 rs No 92, 2018
s 40.....	am No 100, 2002 rs No 92, 2018
s 41.....	rs No 92, 2018 am No 74, 2023
s 42.....	am No 100, 2002 rs No 92, 2018
s 43.....	am No 100, 2002 rs No 92, 2018

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 44.....	am No 4, 2016 rs No 92, 2018
s 45.....	rs No 92, 2018
s 45A.....	ad No 100, 2002 rep No 92, 2018
s 45B.....	ad No 100, 2002 rep No 92, 2018
s 45C.....	ad No 100, 2002 rep No 92, 2018
s 46.....	rs No 92, 2018
s 46A.....	ad No 100, 2002 rs No 92, 2018
<b>Division 5</b>	
Division 5.....	rs No 92, 2018
s 46B.....	ad No 100, 2002 rs No 92, 2018
s 46C.....	ad No 92, 2018
s 46D.....	ad No 92, 2018
s 46E.....	ad No 92, 2018
s 46F.....	ad No 92, 2018
s 46G.....	ad No 92, 2018
s 46H.....	ad No 92, 2018
s 46J.....	ad No 92, 2018
s 46K.....	ad No 92, 2018
<b>Division 6</b>	
Division 6.....	rs No 92, 2018
s 46L.....	ad No 92, 2018
s 46M.....	ad No 92, 2018
s 46N.....	ad No 92, 2018
s 46P.....	ad No 92, 2018
s 46Q.....	ad No 92, 2018

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 46R .....	ad No 92, 2018
s 46S .....	ad No 92, 2018
s 46T .....	ad No 92, 2018
<b>Division 6A</b>	
Division 6A.....	ad No 92, 2018
s 46U.....	ad No 92, 2018
s 46V.....	ad No 92, 2018
s 46W.....	ad No 92, 2018
s 46X.....	ad No 92, 2018
s 46Y.....	ad No 92, 2018
<b>Division 7</b>	
s 47.....	am No 100, 2002; No 92, 2018
s 48.....	am No 100, 2002; No 92, 2018
<b>Division 8</b>	
s 50.....	rs No 92, 2018
s 51.....	am No 100, 2002 rs No 92, 2018
s 52.....	am No 100, 2002; No 92, 2018
s 53.....	am No 100, 2002; No 4, 2016; No 61, 2016 rs No 92, 2018
s 54.....	am No 100, 2002 rep No 92, 2018
s 55.....	am No 92, 2018
s 56.....	am No 92, 2018
s 57.....	am No 92, 2018
s 58.....	am No 4, 2016; No 61, 2016; No 92, 2018
<b>Division 9</b>	
s 59.....	am No 100, 2002 rs No 92, 2018 am No 13, 2021
s 60.....	am No 100, 2002; No 92, 2018

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 61.....	am No 100, 2002; No 92, 2018; No 38, 2024
s 62.....	rs No 92, 2018
<b>Part 4</b>	
<b>Division 1A</b>	
Division 1A.....	ad No 92, 2018
s 62A.....	ad No 92, 2018
<b>Division 1</b>	
s 63.....	am No 100, 2002; No 92, 2018
s 64.....	am No 100, 2002; No 92, 2018
s 65.....	rep No 92, 2018
<b>Division 2</b>	
<b>Subdivision A</b>	
s 66.....	am No 92, 2018
s 69.....	am No 100, 2002; No 92, 2018
<b>Subdivision B</b>	
s 70.....	am No 92, 2018
<b>Division 3</b>	
s 72.....	am No 92, 2018; No 13, 2021
s 73.....	am No 92, 2018
<b>Division 4</b>	
s 74.....	am No 92, 2018
<b>Part 4A</b>	
Part 4A.....	ad No 92, 2018
<b>Division 1</b>	
s 75A.....	ad No 92, 2018
<b>Division 2</b>	
s 75B.....	ad No 92, 2018
s 75C.....	ad No 92, 2018
<b>Division 3</b>	
s 75D.....	ad No 92, 2018
s 75E.....	ad No 92, 2018

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
<b>Division 4</b>	
s 75F .....	ad No 92, 2018 am No 13, 2021
s 75G.....	ad No 92, 2018
<b>Part 5</b>	
Part 5 heading.....	rs No 92, 2018
s 75H.....	ad No 92, 2018
s 76.....	am No 92, 2018
s 77.....	am No 92, 2018
s 78.....	rep No 92, 2018
s 79.....	rep No 92, 2018
Part 5A.....	ad No 101, 2001 rep No 92, 2018
s 79A.....	ad No 101, 2001 rep No 92, 2018
s 79B.....	ad No 101, 2001 rep No 92, 2018
<b>Part 6</b>	
Part 6.....	rs No 92, 2018
s 80.....	am No 100, 2002 rs No 92, 2018
s 81.....	rs No 92, 2018 am No 13, 2021
s 82.....	rep No 92, 2018
<b>Part 7</b>	
<b>Division 1A</b>	
Division 1A.....	ad No 92, 2018
s 83.....	am No 4, 2016 rs No 92, 2018
<b>Division 1</b>	
s 84.....	am No 92, 2018

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 85.....	am No 100, 2002; No 92, 2018
s 86.....	am No 92, 2018
<b>Division 2</b>	
s 88.....	am No 92, 2018
s 90.....	am No 92, 2018
s 91.....	am No 92, 2018
s 92.....	am No 4, 2016; No 61, 2016; No 92, 2018
s 94.....	am No 4, 2016; No 61, 2016; No 92, 2018
s 95.....	am No 92, 2018
s 96.....	am No 4, 2016; No 61, 2016; No 92, 2018
<b>Division 3</b>	
s 98.....	am No 92, 2018
s 99.....	am No 92, 2018
s 101.....	am No 4, 2016; No 61, 2016; No 92, 2018
s 103.....	am No 4, 2016; No 61, 2016 rs No 92, 2018
<b>Part 8</b>	
s 103A.....	ad No 92, 2018
s 104.....	am No 92, 2018
s 106.....	rs No 100, 2002
s 107.....	am No 92, 2018; No 13, 2021
s 108.....	am No 101, 2001; No 92, 2018
s 109.....	am No 4, 2016 rep No 92, 2018
s 110.....	am No 100, 2002 rs No 92, 2018
Schedule 1.....	am No 100, 2002 rep No 92, 2018
Schedule 2.....	rep No 92, 2018
Schedule 3.....	rep No 92, 2018
Schedule 4.....	rs No 100, 2002

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Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rep No 92, 2018
Schedule 5.....	am No 100, 2002
	rep No 92, 2018
Schedule 6.....	ad No 101, 2001
	rep No 92, 2018