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Space Activities Regulations 2001

Statutory Rules 2001 No. 1

186

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Space Activities Act 1998*.

Dated 28 JUN 2001 2001

WILLIAM DEANE
Governor-General

By His Excellency's Command

NICK MINCHIN
Minister for Industry, Science and Resources

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Part 1 Preliminary

1.01 Name of Regulations

These Regulations are the *Space Activities Regulations 2001*.

1.02 Commencement

These Regulations commence on gazettal.

1.03 Definitions

In these Regulations:

accredited translator, of a document that is not in English, means a person who:

- (a) is accredited, by the National Accreditation Authority for Translators and Interpreters, Australia, as a translator in English and the language in which the document is written; or
- (b) is accredited, or otherwise recognised, as a translator in those languages by the competent authority of another country that is responsible for the accreditation or recognition of translators in that country.

Act means the *Space Activities Act 1998*.

auditor means an independent auditor registered under the Corporations Law.

Flight Safety Code means the document called 'Flight Safety Code', published by the Department, as in force on 26 June 2001.

parent body of a body corporate (the **subsidiary**) means a body corporate that:

- (a) is incorporated by or under a law of the Commonwealth or of a State or Territory or is a foreign corporation; and
- (b) is a holding company, directly or indirectly, of the subsidiary; and
- (c) is not a subsidiary of another body corporate.

Part 2 Space licences

Division 2.1 General

2.01 Definitions for this Part

In this Part:

ground system, in relation to a launch facility, means the part of the launch facility consisting of the fuel farm, the refuelling facility, the payload preparation facilities, the flight launch pad, the control centre, and the vehicle handling systems.

relevant launch facility means:

- (a) in relation to an application for the grant of a space licence, the launch facility that is proposed to be covered by the licence; and
- (b) in relation to an application for the transfer of a space licence, the launch facility that is covered by the licence.

relevant launch vehicle means:

- (a) in relation to an application for the grant of a space licence, a launch vehicle of the kind that is proposed to be covered by the licence; and
- (b) in relation to an application for the transfer of a space licence, a launch vehicle of the kind that is covered by the licence.

Division 2.2 Criteria for launch facility

2.02 Criteria for launch facility

- (1) For paragraph 18 (f) of the Act, the criterion set out in subregulation (2) is prescribed.
- (2) The launch facility must be as effective and safe for its intended purpose as is reasonably possible having regard to its design, its construction or proposed construction and that purpose.

Regulation 2.03

Division 2.3 Criteria for kind of launch vehicle

2.03 Criteria for kind of launch vehicle

- (1) For paragraph 18 (g) of the Act, the criterion set out in subregulation (2) is prescribed.
- (2) The kind of launch vehicle must be as effective and safe for its intended purpose as is reasonably possible having regard to its design and that purpose.

Division 2.4 Space licence conditions

2.04 Standard space licence conditions

- (1) In this regulation:
 - deemed employee* means an individual who, although not employed by the holder of a space licence:
 - (a) performs a service for the holder; or
 - (b) is an employee of a person who performs such a service.
 - personnel record*, of an individual who is employed by the holder of a space licence or who performs a service for the holder, means a record of information about the individual that includes the following:
 - (a) the individual's name, residential address, qualifications and duties and functions;
 - (b) the date when the individual's employment or service began;
 - (c) the individual's usual place of residence (or each of them, if more than one), and employment history, for the 10 years immediately preceding the making of the record.

Regulation 2.04

- (2) For paragraph 20 (c) of the Act, the following conditions are specified:
- (a) the holder of the licence must ensure that the launch facility and launch vehicles of the kind covered by the licence are operated, and any construction associated with the launch facility is done, in accordance with a program management plan that:
 - (i) is in accordance with regulation 2.11; and
 - (ii) is approved by the Minister;
 - (b) if subregulation (3) applies to the holder, the holder must ensure that any test flight of a launch vehicle, or a launch vehicle of a kind, referred to in that subregulation that is conducted at the launch facility is conducted, and the results of the test flight are recorded and reported, in accordance with a flight test plan that:
 - (i) is in accordance with regulation 2.12; and
 - (ii) is approved by the Minister;
 - (c) the holder must ensure that the launch facility and launch vehicles are operated in accordance with a technology security plan that:
 - (i) is in accordance with regulation 2.13; and
 - (ii) is approved by the Minister;
 - (d) the holder must comply with an emergency plan that is in accordance with regulation 2.14:
 - (i) in the event of an accident or incident or any other emergency of a kind referred to in that regulation; or
 - (ii) in conducting exercises to test the plan and reporting in relation to those exercises;
 - (e) the holder must ensure that the launch facility is constructed and operated in accordance with:
 - (i) if another Australian law requires the holder to have an environmental plan approved for the construction or operation of the launch facility — that plan; and
 - (ii) in any other case — an environmental plan, containing the arrangements and procedures mentioned in regulation 2.17, that is approved by the Minister;

Regulation 2.04

- (f) the holder must give to the Minister, if the holder has not already done so under the Act or these Regulations, a copy of each approval or authorisation referred to in paragraph 2.16 (a);
- (g) the holder must take all reasonably practical steps to amend, as necessary, the plans referred to in paragraphs (a), (c) and (d), the plan referred to in paragraph (b) (if applicable) and whichever is applicable of the plans referred to in paragraph (e) so that each plan is kept up-to-date;
- (h) the holder must comply with any directions given from time to time to the holder under subregulation (6);
- (i) the holder must ensure that copies of all amendments of the program management plan, the technology security plan and, if applicable, the flight test plan and the environmental plan referred to in subparagraph (e) (ii), are given to the Minister;
- (j) for each of the holder's employees, or deemed employees, referred to in subregulation (5), the holder must, if the holder has not already done so under paragraph 2.10 (1) (e), notify the Minister in writing of:
 - (i) the employee's or deemed employee's name, qualifications and duties or functions; and
 - (ii) the employee's or deemed employee's usual place of residence (or each of them, if more than one), and employment history, for the 10 years immediately preceding the date of the notice; and
 - (iii) if, for any reason, an employee changes his or her duties or functions within the holder's organisation, the changed duties or functions;
- (k) the holder must keep a personnel record for each individual who is employed by the holder or who performs a service for the holder:
 - (i) at the launch facility; or
 - (ii) doing anything, in the course of his or her duties or functions, directly connected with operating the launch facility or operating the launch vehicles;
- (l) the holder must retain each personnel record for 7 years after the last entry in it was made.

- (3) This subregulation applies to the holder of a licence if:
- (a) the kind of launch vehicle covered by the licence is a new kind and no launch vehicles of that kind have been flight tested; or
 - (b) a launch vehicle of the kind covered by the licence that the holder intends to use at the launch facility has had a major modification made to it.
- (4) For subregulation (3), a launch vehicle or a kind of launch vehicle has had a major modification made to it if:
- (a) a change has been made to the design of the kind of launch vehicle that involves any change to the type of engine, navigation system, flight control system or flight termination system specified in the design, or involves the use of strap-on boosters; or
 - (b) it is modified in any other way that might affect, to a significant extent, any characteristic affecting its operation or performance.
- (5) For paragraph (2) (j), the following are the employees or deemed employees:
- (a) an employee or deemed employee who is employed at the launch facility;
 - (b) any other employee or deemed employee doing anything, in the course of his or her duties or functions, directly connected with operating the launch facility or operating the launch vehicles.
- (6) For the purposes of performing functions or exercising powers under the Act, the Minister may give to the holder a written direction in relation to the revision of any or all of the following plans:
- (a) the program management plan;
 - (b) if subregulation (3) applies to the holder, the flight test plan;
 - (c) the technology security plan;
 - (d) if subparagraph (2) (e) (ii) applies to the holder, the environmental plan referred to in that subparagraph.

Regulation 2.05

Division 2.5 Applications for grant of space licences

2.05 Applications for grant of space licences (Act s 23)

An application for the grant of a space licence must be made in the way set out in this Division.

2.06 Form of application

- (1) The application:
 - (a) must be in writing; and
 - (b) must state:
 - (i) the applicant's name and address; or
 - (ii) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and
 - (c) must describe the relevant launch facility and specify its location; and
 - (d) must state when the applicant proposes to commence operating and, if construction of the launch facility has not yet commenced, constructing the launch facility; and
 - (e) must specify the kind of launch vehicle proposed to be covered by the space licence; and
 - (f) if the applicant proposes to conduct a test flight or flights of a relevant launch vehicle at the launch facility, must state the date of the proposed flight or flights; and
 - (g) must give:
 - (i) the name of an individual within the applicant's organisation who is able to deal with all matters in relation to the application; and
 - (ii) the telephone number at which the individual may be contacted at all times, the telephone number (if any) to which a facsimile message for the individual may be transmitted and the individual's e-mail address (if any); and

- (h) must be accompanied by the documents referred to in subregulation (4).
- (2) The application, and any documents required to accompany the application under this regulation, must be lodged with the Department.
- (3) If a document is not in English, the document must have with it a translation of it into English and a related certificate of verification by an accredited translator.
- (4) For paragraph (1) (h), the following are the documents:
 - (a) documents, in accordance with paragraphs 2.10 (1) (a) to (d), relating to the applicant's organisational structure and financial standing;
 - (b) documents, in accordance with paragraph 2.10 (1) (e), relating to particular persons who would, if the space licence were granted to the applicant, have duties or functions connected with the operation of the relevant launch facility or relevant launch vehicles using the launch facility;
 - (c) a copy of the program management plan, in accordance with regulation 2.11, under which the applicant proposes to operate the launch facility and launch vehicles and do any construction associated with the launch facility;
 - (d) a copy of the design and engineering plans and specifications for the launch facility;
 - (e) if subregulation (6) applies to the applicant, a copy of the flight test plan, in accordance with regulation 2.12, that the applicant proposes to use in relation to any test flight of a launch vehicle, or launch vehicle of a kind, mentioned in that subregulation that is conducted at the launch facility;
 - (f) a copy of the technology security plan, in accordance with regulation 2.13, that the applicant proposes to use in operating the launch facility and the relevant launch vehicles;
 - (g) a copy of the emergency plan, in accordance with regulation 2.14, that the applicant proposes to use in relation to an accident, incident, or any other emergency referred to in that regulation;

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- (h) evidence of any necessary approval (however described) that the applicant is required to have by or under any Australian law for any of the arrangements or procedures in the emergency plan, from the ambulance, fire, police and other emergency services operating in the State or Territory where the launch facility is, or is proposed to be, located;
 - (i) evidence to show that all necessary environmental approvals under Australian law have been obtained for the construction and operation of the relevant launch facility (including, if for any reason a particular environmental approval is not necessary, evidence to that effect);
 - (j) if no other Australian law requires the applicant to have an environmental plan approved for the construction and operation of the launch facility:
 - (i) a copy of an environmental plan containing the arrangements and procedures mentioned in regulation 2.17; and
 - (ii) a written assessment, by an independent person having suitable qualifications and experience, of the adequacy of the arrangements and procedures set out in the plan;
 - (k) in relation to the kind of launch vehicle:
 - (i) the documents mentioned in regulation 2.15; or
 - (ii) if there is a technical recognition agreement that covers the kind of launch vehicle or a relevant launch vehicle, a written statement to that effect and copies of all documents and information in connection with, or incidental to, the kind of launch vehicle or relevant launch vehicle, referred to in the technical recognition agreement;
 - (l) a copy of an outstanding acquittals plan, in accordance with regulation 2.16.
- (5) The flight test plan may be included as part of the applicant's program management plan or may be a separate document.

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- (6) This subregulation applies to the applicant if:
- (a) the kind of launch vehicle proposed to be covered by the space licence is a new kind and no launch vehicles of that kind have been flight tested; or
 - (b) a relevant launch vehicle that the applicant intends to use at the launch facility has had a major modification made to it.
- (7) For subregulation (6), a launch vehicle or a kind of launch vehicle has had a major modification made to it if:
- (a) a change has been made to the design of the kind of launch vehicle that involves any change to the type of engine, navigation system, flight control system or flight termination system specified in the design, or involves the use of strap-on boosters; or
 - (b) it is modified in any other way that might affect, to a significant extent, any characteristic affecting its operation or performance.
- (8) In this regulation:
- technical recognition agreement* means an agreement (however described) between Australia and another country that:
- (a) is in force; and
 - (b) recognises the other country's licensing or certification for a particular launch vehicle or kind of launch vehicle for the purpose of showing that the launch vehicle or kind of launch vehicle can reasonably be expected to be as effective and safe as possible for its intended purpose having regard to its design and that purpose.

Division 2.6 Applications for transfer of space licences

2.07 Applications for transfer of space licences (Act s 23)

An application for a transfer of a space licence must be made in the way set out in this Division.

Regulation 2.08

2.08 Form of application

- (1) The application:
 - (a) must be in writing; and
 - (b) must state the reference number of the relevant space licence; and
 - (c) must state:
 - (i) the proposed transferee's name and address; or
 - (ii) if the proposed transferee is incorporated by or under a law of the Commonwealth or of a State or Territory, the transferee's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and
 - (d) must state when the transferee proposes to commence operating and, if construction of the relevant launch facility has not yet commenced, constructing the launch facility; and
 - (e) if the transferee proposes to conduct a test flight or flights of a relevant launch vehicle at the launch facility, must state the date of the proposed flight or flights; and
 - (f) must give:
 - (i) the name of an individual within the transferee's organisation who is able to deal with all matters in relation to the application; and
 - (ii) the telephone number at which the individual may be contacted at all times, the telephone number (if any) to which a facsimile message for the individual may be transmitted and the individual's e-mail address (if any); and
 - (g) must be signed by the proposed transferor and transferee; and
 - (h) must be accompanied by the documents referred to in subregulation (4).
- (2) The application, and any documents required to accompany the application under this regulation, must be lodged with the Department.

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- (3) If a document is not in English, the document must have with it a translation of it into English and a related certificate of verification by an accredited translator.
- (4) For paragraph (1) (h), the following are the documents:
- (a) documents, in accordance with paragraphs 2.10 (1) (a) to (d), relating to the transferee's organisational structure and financial standing;
 - (b) documents, in accordance with paragraph 2.10 (1) (e), relating to particular persons who would, if the space licence were transferred to the transferee, have duties or functions connected with the operation of the relevant launch facility or relevant launch vehicles using the launch facility;
 - (c) a copy of the program management plan, in accordance with regulation 2.11, under which the transferee proposes to operate the launch facility and launch vehicles and do any construction associated with the launch facility;
 - (d) if the construction of the launch facility has not commenced or is not completed or the transferee proposes to modify the launch facility, a copy of the design and engineering plans and specifications for the construction or modification;
 - (e) if subregulation (7) applies to the transferee, a copy of the flight test plan, in accordance with regulation 2.12, that the transferee proposes to use in relation to any test flight of a launch vehicle, or launch vehicle of a kind, mentioned in that subregulation that is conducted at the launch facility;
 - (f) a copy of the technology security plan, in accordance with regulation 2.13, that the transferee proposes to use in operating the launch facility and the relevant launch vehicles;
 - (g) a copy of the emergency plan, in accordance with regulation 2.14, that the transferee proposes to use in relation to an accident, incident, or any other emergency referred to in that regulation;
 - (h) evidence of any necessary approval (however described) that the transferee is required to have by or under any Australian law for the arrangements and procedures set out in the emergency plan, from the ambulance, fire, police

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- and other emergency services operating in the State or Territory where the launch facility is, or is proposed to be, located;
- (i) evidence to show that all necessary environmental approvals that the transferee is required to have by or under any Australian law have been obtained for the construction and operation of the launch facility (including, if for any reason a particular environmental approval is not necessary, evidence to that effect);
 - (j) if no other Australian law requires the transferee to have an environmental plan approved for the construction and operation of the launch facility:
 - (i) a copy of an environmental plan containing the arrangements and procedures mentioned in regulation 2.17; and
 - (ii) a written assessment, by an independent person having suitable qualifications and experience, of the adequacy of the arrangements and procedures set out in the plan;
 - (k) a copy of an outstanding acquittals plan, in accordance with regulation 2.16.
- (5) The flight test plan may be included as part of the transferee's program management plan or may be a separate document.
- (6) However, the application need not be accompanied by the program management plan, the flight test plan (if applicable), the technology security plan, the emergency plan, the outstanding acquittals plan or, if applicable, the environmental plan and accompanying assessment if:
- (a) the plan that the transferee proposes to use, or under which the transferee proposes to operate, is the same as the plan that the transferor uses, or under which the transferor operates, in complying with these Regulations; and
 - (b) the transferee includes a written statement to that effect in the application.

- (7) This subregulation applies to the transferee if:
- (a) the kind of launch vehicle covered by the space licence is a new kind and no launch vehicles of that kind have been flight tested; or
 - (b) a relevant launch vehicle that the applicant intends to use at the launch facility has had a major modification made to it.
- (8) For subregulation (7), a launch vehicle or a kind of launch vehicle has had a major modification made to it if:
- (a) a change has been made to the design of the kind of launch vehicle that involves any change to the type of engine, navigation system, flight control system or flight termination system specified in the design, or involves the use of strap-on boosters; or
 - (b) it is modified in any other way that might affect, to a significant extent, any characteristic affecting its operation or performance.

Division 2.7 Documents relevant to conditions and applications under this Part

2.09 Definitions for this Division

In this Division:

applicant, in relation to an application for the transfer of a space licence, means the proposed transferee.

2.10 Applicant's organisational structure and financial standing

- (1) For paragraphs 2.06 (4) (a) and (b) or paragraphs 2.08 (4) (a) and (b), the documents must consist of:
- (a) a written description of the applicant's organisational structure, including:
 - (i) the chain of command within the structure; and
 - (ii) duties and responsibilities of each position in the chain of command; and

Regulation 2.10

- (b) evidence of the applicant's financial standing and financial ability to construct and operate the relevant launch facility, together with an auditor's report verifying the applicant's financial viability; and
 - (c) a written description of the applicant's system for financial management, including the methods that the applicant uses to ensure sound financial management; and
 - (d) a written assessment, by an independent person having suitable qualifications and experience, of the soundness and adequacy of the applicant's system for financial management; and
 - (e) for each individual referred to in subregulation (2), a statement setting out the individual's name, qualifications, experience, and usual place of residence (or each of them, if more than one), and employment history, for the 10 years immediately preceding the date of the application.
- (2) For paragraph (1) (e), the following are the individuals:
- (a) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, each director of the applicant;
 - (b) the person holding, or performing the duties of, the position of chief executive officer (however described) within the applicant's organisation;
 - (c) a manager within the structure who, subject to any direction by a person mentioned in paragraph (b), would, if the space licence were granted or transferred to the applicant, have authority to direct:
 - (i) the operation, or any part of the operation, of the relevant launch facility; or
 - (ii) the operation, or any part of the operation, of a relevant launch vehicle using the launch facility;
 - (d) a person (whether or not employed by the applicant) whose functions or duties would, if the space licence were granted or transferred to the applicant, include responsibility for:
 - (i) the operation, maintenance, or both, of the ground system of the launch facility; or

- (ii) the quality assurance of the launch vehicles and their payloads;
- (e) a person (whether or not employed by the applicant) whose functions or duties include anything directly connected with preparing, or would, if the space licence were granted or transferred to the applicant, include anything directly connected with implementing or monitoring, the technology security plan referred to in regulation 2.13.

2.11 Program management plan for launch facility and launch vehicles

For this Part, a program management plan must include at least the following:

- (a) a description of the holder's or applicant's strategies for operating the relevant launch facility and relevant launch vehicles using the launch facility;
- (b) a description of the holder's or applicant's practices and procedures to control the operation of the launch facility and the launch vehicles and a description of the arrangements for reporting on their operation;
- (c) a description of the quality assurance plan or plans covering the operation of the launch facility and the launch vehicles and, if the launch facility is not yet constructed, the construction of the launch facility;
- (d) a description of the system for maintaining documents and records relating to the operation of the launch facility and the launch vehicles;
- (e) a description of the arrangements for the maintenance and servicing of the launch facility and the launch vehicles, including:
 - (i) a description of the system for recording scheduled and unscheduled maintenance that is carried out on the launch facility and the launch vehicles; and
 - (ii) the procedures for reporting on failures, malfunctions or defects in the launch facility and the launch vehicles;

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- (f) a description of how the holder or applicant conducts, or proposes to conduct, the launch activities:
 - (i) so as to reduce risks to third parties to a level that is as low as is reasonably possible; and
 - (ii) so as to satisfy the launch safety standards set out in the Flight Safety Code;
- (g) a description of any additional arrangements of the holder or applicant to enhance the safety of the launch activities.

2.12 Flight test plan for conducting test flights

For this Part, a flight test plan for conducting a test flight:

- (a) must set out the purpose of the test flight; and
- (b) must show the configuration of the launch vehicle or vehicles to be tested; and
- (c) must give details of the flight tracking system for the launch vehicle or vehicles; and
- (d) must set out the procedures for the launch or launches; and
- (e) must set out the procedures for terminating the test flight; and
- (f) must make provision for recording the results of the test flight; and
- (g) must set out the arrangements for reporting those results to the Minister.

2.13 Technology security plan for launch facility and launch vehicles

- (1) For this Part, a technology security plan:
 - (a) must cover the arrangements and procedures to be followed by the holder or applicant for safeguarding the technology that is or will be used in operating the relevant launch facility and relevant launch vehicles using the launch facility; and
 - (b) if there is in force an agreement (however described) between Australia and another country or countries that provides for the safeguarding of all or part of that technology, must be appropriate to ensure that Australia gives effect to its obligations under that agreement.

- (2) The procedures referred to in paragraph (1) (a) must include the procedures to be followed by the holder or applicant for preventing unauthorised people from having access to the technology.

2.14 Emergency plan for launch facility and launch vehicles

For this Part, an emergency plan must include at least the following:

- (a) a description of the actions to be taken by the persons who are responsible, or, if the space licence were granted or transferred to the applicant, would be responsible, for responding to an accident or incident involving a relevant launch vehicle that is launched, or attempted to be launched, from the relevant launch facility;
- (b) a description of the actions to be taken by the persons who are responsible, or, if the space licence were granted or transferred to the applicant, would be responsible, for responding to any other kind of emergency:
 - (i) involving a relevant launch vehicle that is launched, or attempted to be launched, from the launch facility; or
 - (ii) occurring at or near the launch facility that interrupts, or might interrupt, its operation or may endanger public health or public safety or cause substantial damage to property; or
 - (iii) occurring on the site of the launch facility during its construction that may endanger public health or public safety or cause substantial damage to property;
- (c) a list of the authorities or persons that are to be notified by the holder or applicant in relation to the accident, incident or emergency;
- (d) a description of the arrangements for coordinating, with those authorities or persons, any action to be taken in relation to the accident, incident or emergency;

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- (e) the details of appropriate evacuation procedures for any kind of accident, incident or emergency:
 - (i) involving a relevant launch vehicle that is launched, or attempted to be launched, from the relevant launch facility; or
 - (ii) at or near the launch facility or on the site of the launch facility during its construction;
- (f) the details of exercises to test the plan, including a description of the arrangements for conducting the exercises annually and reporting to the Minister the results of those exercises;
- (g) a description of the arrangements for reviewing the effectiveness of responses in emergencies or exercises, including reporting to the Minister the results of any review;
- (h) a description of the procedures that, if an accident happens, are to be followed by the holder or applicant for locating the launch vehicle concerned or its wreckage and, in accordance with any necessary permission of the Minister or Investigator under the Act, for recovering and removing the launch vehicle or its wreckage;
- (i) a description of the arrangements for providing the equipment and facilities necessary for the purpose of responding to and dealing with the accident;
- (j) a description of the arrangements to ensure that the holder or applicant meets the holder's or applicant's obligations under any Australian law:
 - (i) in the event of an accident or incident or any other emergency of a kind referred to in this regulation; or
 - (ii) in conducting exercises to test the plan and reporting in relation to those exercises.

2.15 Documents relating to the kind of launch vehicles

For subparagraph 2.06 (4) (k) (i), the documents are as follows:

- (a) a statement setting out the name and address of the designer of the kind of launch vehicle;

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- (b) the technical specifications of the kind of launch vehicle, including the technical specifications of the following systems for launch vehicles of that kind:
 - (i) the structural system;
 - (ii) the propulsion system;
 - (iii) the fuel system;
 - (iv) the electrical system, including the power supply and power distribution systems;
 - (v) the electronic systems, including the guidance system, communications system, flight control system, computer system and data management system;
 - (vi) the flight safety system;
- (c) a statement setting out the name and address of the manufacturer, and country of manufacture, of the relevant launch vehicles;
- (d) a description of the manufacturer's quality assurance system and system for configuration management;
- (e) written information that shows whether the manufacturer has quality assurance certification that is accepted internationally or by a competent organisation in Australia;
- (f) written information that shows whether the launch vehicles have been manufactured in accordance with, and tested and inspected having regard to, the designer's specifications and any standards for such manufacture, testing and inspection accepted by the competent authority in the country of manufacture;
- (g) the name and address of the manufacturer of each system mentioned in paragraph (b);
- (h) a description of the development, qualification and acceptance programs (including a description of the results of the qualification and acceptance verification programs) for both the hardware and software of the systems mentioned in paragraph (b);

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- (i) an outline of the verification plans for both the hardware and software of the systems mentioned in paragraph (b), including information about any qualification testing, functional testing, modelling and analyses that have been carried out in relation to those systems.

2.16 Outstanding acquittals plan

For this Part, an outstanding acquittals plan:

- (a) must list all activities in relation to the construction and operation of the launch facility and operation of the launch vehicles for which an approval or other authorisation of any kind is required by or under any other Australian law; and
- (b) must, for each activity listed under paragraph (a), describe the arrangements for obtaining the approval or authorisation or each approval or authorisation, including the time frame within which the approval or authorisation must be obtained; and
- (c) must contain a schedule that, in relation to each particular matter referred to in a plan mentioned in paragraph 2.04 (2) (a) or (c) or, if applicable, paragraph 2.04 (2) (b) or subparagraph 2.04 (2) (c) (ii) that is to be verified, validated or acquitted in a way referred to or described in the plan:
 - (i) lists the matter to be verified, validated or acquitted; and
 - (ii) describes the arrangements for obtaining the verification, validation or acquittal, including the time frame within which it must be obtained.

Division 2.8 Miscellaneous

2.17 Arrangements and procedures for environmental plan for launch facility

For subparagraphs 2.04 (2) (e) (ii), 2.06 (4) (j) (i) and 2.08 (4) (j) (i), the arrangements and procedures are:

- (a) the holder's, applicant's or proposed transferee's arrangements:
 - (i) for monitoring and mitigating any adverse effects of the operation of the launch facility, and any construction associated with it, on the environment; and
 - (ii) for implementing the environmental plan; and
- (b) the procedures to be followed by the holder, applicant or proposed transferee:
 - (i) for reporting on the implementation of the plan; and
 - (ii) for reviewing the plan; and
 - (iii) for ensuring that the launch facility is operated, and any construction associated with it is done, in accordance with any applicable requirements under Australian law for the protection of the environment.

Regulation 3.01

Part 3 Launch permits

Division 3.1 Criteria for launch permits

3.01 Criteria for launch permits

- (1) For paragraph 26 (3) (h) of the Act, the criterion set out in subregulation (2) is prescribed.
- (2) The person has an adequate environmental plan for conducting the launch or launches, and any connected return.

Division 3.2 Launch permit conditions

3.02 Standard launch permit conditions

- (1) For paragraph 28 (1) (b) of the Act, the following conditions are specified:
 - (a) the holder of a launch permit must meet all the costs and expenses of any investigation under Part 7 of the Act into the circumstances surrounding any accident or incident involving a space object launched or attempted to be launched, under the launch permit, that occurs during:
 - (i) the liability period for the launch of the space object from the launch facility; or
 - (ii) the liability period for the return of the space object to a place in Australia;
 - (b) if the holder is given a direction under paragraph 52 (2) (c) of the Act, the holder:
 - (i) must record the action taken by the holder in response to the direction; and
 - (ii) must, within 5 working days after the direction is given to the holder, give to the Minister a copy of the record and the direction; and
 - (iii) must retain the direction and record for 7 years after the day when the direction was given;

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- (c) if the holder is given a copy of a record and a copy of the direction to which the record relates under paragraph 8.03 (2) (b), the holder:
 - (i) must, within 5 working days after the copy of the record and the direction are given to the holder, give to the Minister a copy of the record and the direction; and
 - (ii) must retain a copy of the record and direction for 7 years after the day when the direction was given;
- (d) the holder must give to the Minister the following information and confirmations before the launch of a space object under the launch permit:
 - (i) confirmation of the date and time of the launch and any connected return;
 - (ii) any changes to any other information already given to the Minister about the launch and any connected return, including, in accordance with the flight safety plan referred to in regulation 3.10, any changes to the assumptions and data used in the hazard analysis referred to in paragraph 3.04 (4) (c) or 3.06 (4) (c);
 - (iii) if the information includes any changes to the assumptions and data, written confirmation that the hazard analysis continues to meet the launch safety standards set out in the Flight Safety Code;
 - (iv) confirmation of the trajectory of the space object;
- (e) the holder must, if the holder has not already done so under the Act or these Regulations, give to the Minister the following information and report as soon as possible after the launch of a space object:
 - (i) the information referred to in subparagraph 1 (d) of Article IV of the Registration Convention about the launch;
 - (ii) any information required by the Flight Safety Code to be given to the Minister;
 - (iii) a report on the compliance of the launch with the launch safety standards and the assumptions and data used in the hazard analysis;

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- (f) the holder must ensure that the launch or launches and any connected return are conducted in accordance with:
 - (i) a program management plan that is in accordance with regulation 3.08 and approved by the Minister; and
 - (ii) a technology security plan that is in accordance with regulation 3.09 and approved by the Minister; and
 - (iii) a flight safety plan that is in accordance with regulation 3.10 and approved by the Minister;
 - (g) the holder must also ensure that each launch and any connected return under the launch permit is conducted in accordance with:
 - (i) if another Australian law requires the holder to have an environmental plan approved for the launch and any connected return — that plan; and
 - (ii) in any other case — an environmental plan, containing the arrangements and procedures mentioned in regulation 3.12, that is approved by the Minister;
 - (h) the holder must take all reasonably practical steps to amend, as necessary, the plans referred to in subparagraphs (f) (i), (ii) and (iii) and whichever is applicable of the plans referred to in paragraph (g) so that each plan is kept up-to-date;
 - (i) the holder must comply with any directions given from time to time to the holder under subregulation (2);
 - (j) the holder must ensure that copies of all amendments of the program management plan, the technology security plan and the flight safety plan and, if applicable, the environmental plan referred to in subparagraph (g) (ii), are given to the Minister.
- (2) For the purposes of performing functions or exercising powers under the Act, the Minister may give to the holder a written direction in relation to the revision of any or all of the following plans:
- (a) the program management plan;
 - (b) the technology security plan;
 - (c) the flight safety plan;

- (d) if subparagraph (2) (g) (ii) applies to the holder, the environmental plan referred to in that subparagraph.

Division 3.3 Applications for grant of launch permits

3.03 Applications for grant of launch permits (Act s 32)

An application for the grant of a launch permit must be made in the way set out in this Division.

3.04 Form of application

- (1) The application:
- (a) must be in writing; and
 - (b) must state the applicant's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and
 - (c) must state the reference number of the applicant's space licence; and
 - (d) must specify the date and time of the launch or launches, and any connected return, proposed to be conducted under the launch permit; and
 - (e) must specify:
 - (i) each payload to be carried, including the name of its owner, manufacturer and country of manufacture; and
 - (ii) the purpose for which each payload is intended to be used; and
 - (f) for each payload to be carried:
 - (i) must give details of the proposed orbit (if any) of the payload; and
 - (ii) must include an inventory of the sensors and other information-gathering devices that are attached to the payload or powered by it; and
 - (g) must give details of the nominated trajectory of each space object proposed to be launched; and

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- (h) must include:
 - (i) the information referred to in subparagraphs 1 (a), (b) and (e) of Article IV of the Registration Convention; and
 - (ii) the information referred to in subparagraphs 1 (c) and (d) of Article IV of the Registration Convention, so far as the applicant knows that information; and
 - (i) if a particular space object is proposed to be returned to a particular place or area, must specify the place or area; and
 - (j) must give:
 - (i) the name of an individual within the applicant's organisation who is able to deal with all matters in relation to the application; and
 - (ii) the telephone number at which the individual may be contacted at all times, the telephone number (if any) to which a facsimile message for the individual may be transmitted and the individual's e-mail address (if any); and
 - (k) must have with it any information required by the Flight Safety Code to be lodged with the application; and
 - (l) must be accompanied by the documents referred to in subregulation (4).
- (2) The application, and any documents required to accompany the application under this regulation, must be lodged with the Department.
- (3) If a document is not in English, the document must have with it a translation of it into English and a related certificate of verification by an accredited translator.
- (4) For paragraph (1) (l), the following are the documents:
- (a) evidence that the applicant is a corporation;

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- (b) a statement that sets out the name, qualifications and technical experience of each person (whether or not employed by the applicant) whose functions or duties would, if the permit were granted to the applicant, include responsibility for any of the following in relation to a launch that is conducted under the launch permit:
 - (i) if a payload is to be carried — the preparation of the payload and its integration with the launch vehicle on which it is to be carried;
 - (ii) installing any software in the space object concerned and verifying that the software functions correctly;
 - (iii) verifying that the structural system, propulsion system, fuel system, electrical system and electronic system of the space object function correctly;
 - (iv) the launch and any connected return;
 - (v) safeguarding the technology used in relation to the launch and any connected return;
- (c) a hazard analysis of the proposed launch or each launch, and any connected return, that meets the launch safety standards set out in the Flight Safety Code and:
 - (i) has been carried out, by a person approved by the Minister, in accordance with the Risk Hazard Analysis Methodology contained in the Flight Safety Code; or
 - (ii) has been carried out in accordance with an alternative methodology approved by the Minister;
- (d) in the case of a hazard analysis carried out in accordance with the Risk Hazard Analysis Methodology — written confirmation, by the person who carried out the analysis, that it meets the launch safety standards set out in the Flight Safety Code;
- (e) in the case of a hazard analysis carried out in accordance with an alternative methodology:
 - (i) written confirmation, by the person who carried out the analysis, that it meets the launch safety standards set out in the Flight Safety Code; and

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- (ii) written confirmation, by an independent person who is approved by the Minister, that the analysis has been carried out in accordance with the alternative methodology and meets the launch safety standards set out in the Flight Safety Code;
- (f) in relation to a return of a space object that is proposed to be launched under the launch permit:
 - (i) a statement of the procedures to be followed by the applicant for the recovery of the returned space object and for its removal from the place where it comes to rest; and
 - (ii) a statement that sets out details of the ground track for re-entry and of altitudes, velocities, timings, staging events, and predicted errors in accuracy for re-entry and landing for the return;
- (g) a statutory declaration by the person holding or performing the duties of the position of chief executive officer (however described) within the applicant's organisation verifying that 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;
- (h) a copy of the program management plan, in accordance with regulation 3.08, under which the applicant proposes to conduct the launch or launches, and any connected return;
- (i) a copy of the technology security plan, in accordance with regulation 3.09, under which the applicant proposes to conduct the launch or launches, and any connected return;
- (j) a flight safety plan, in accordance with regulation 3.10, under which the applicant proposes to conduct the launch or launches, and any connected return, together with written confirmation by a person approved by the Minister that the launch or launches, and any connected return, if carried out in accordance with the plan, will satisfy the launch safety standards set out in the Flight Safety Code;

- (k) in relation to the criterion set out in paragraph 26 (3) (d) of the Act:
 - (i) a written statement indicating whether the applicant proposes to satisfy the insurance requirements under paragraph 47 (2) (a) of the Act or to show direct financial responsibility under paragraph 47 (2) (b) of the Act; and
 - (ii) if the applicant proposes to satisfy the insurance requirements under paragraph 47 (2) (a) of the Act, an insurance compliance plan, in accordance with regulation 3.11;
- (l) if no other Australian law requires the applicant to have an environmental plan approved for the launch or launches, and any connected return:
 - (i) a copy of an environmental plan, containing the arrangements and procedures mentioned in regulation 3.12, under which the applicant proposes to conduct the launch or launches, and any connected return; and
 - (ii) a written assessment, by an independent person having suitable qualifications and experience, of the adequacy of the arrangements and procedures set out in the plan;
- (m) if a document specified in the Flight Safety Code is required by the Code to be lodged with an application for a launch permit, a copy of that document.

Division 3.4 Applications for transfer of launch permits

3.05 Applications for transfer of launch permits (Act s 32)

An application for a transfer of a launch permit must be made in the way set out in this Division.

3.06 Form of application

- (1) The application:
 - (a) must be in writing; and

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- (b) must state the reference number of the proposed transferor's launch permit and the reference number of the proposed transferee's space licence (if any); and
- (c) must state the transferee's name, registered address and ACN and the names and addresses of the people responsible for its management and control; and
- (d) must specify the date and time of the launch or launches, and any connected return, proposed to be conducted under the launch permit; and
- (e) must specify:
 - (i) each payload to be carried, including the name of its owner, manufacturer and country of manufacture; and
 - (ii) the purpose for which each payload is intended to be used; and
- (f) for each payload to be carried:
 - (i) must give details of the proposed orbit (if any) of the payload; and
 - (ii) must include an inventory of the sensors and other information-gathering devices that are attached to the payload or powered by it; and
- (g) must give details of the nominated trajectory of each space object proposed to be launched; and
- (h) must include:
 - (i) the information referred to in subparagraphs 1 (a), (b) and (e) of Article IV of the Registration Convention; and
 - (ii) the information referred to in subparagraphs 1 (c) and (d) of Article IV of the Registration Convention, so far as the transferee knows that information; and
- (i) if a particular space object is proposed to be returned to a particular place or area, must specify the place or area; and
- (j) must give:
 - (i) the name of an individual within the proposed transferee's organisation who is able to deal with all matters in relation to the application; and

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- (ii) the telephone number at which the individual may be contacted at all times, the telephone number (if any) to which a facsimile message for the individual may be transmitted and the individual's e-mail address (if any); and
 - (k) must be signed by the proposed transferor and transferee; and
 - (l) must be accompanied by the documents referred to in subregulation (4).
- (2) The application, and any documents required to accompany the application under this regulation, must be lodged with the Department.
- (3) If a document is not in English, the document must have with it a translation of it into English and a related certificate of verification by an accredited translator.
- (4) For paragraph (1) (1), the following are the documents:
- (a) evidence that the proposed transferee is a corporation;
 - (b) a statement that sets out the name, qualifications and technical experience of each person (whether or not employed by the transferee) whose functions or duties would, if the permit were transferred to the transferee, include responsibility for any of the following in relation to a launch that is conducted under the launch permit:
 - (i) if a payload is to be carried — the preparation of the payload and its integration with the launch vehicle on which it is to be carried;
 - (ii) installing any software in the space object concerned and verifying that the software functions correctly;
 - (iii) verifying that the structural system, propulsion system, fuel system, electrical system and electronic system of the space object function correctly;
 - (iv) the launch and any connected return;
 - (v) safeguarding the technology used in relation to the launch and any connected return;

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- (c) a hazard analysis of the proposed launch or each launch, and any connected return, that meets the launch safety standards set out in the Flight Safety Code and:
 - (i) has been carried out, by a person approved by the Minister, in accordance with the Risk Hazard Analysis Methodology contained in the Flight Safety Code; or
 - (ii) has been carried out in accordance with an alternative methodology approved by the Minister;
- (d) in the case of a hazard analysis carried out in accordance with the Risk Hazard Analysis Methodology — written confirmation, by the person who carried out the analysis, that it meets the launch safety standards set out in the Flight Safety Code;
- (e) in the case of a hazard analysis carried out in accordance with an alternative methodology:
 - (i) written confirmation, by the person who carried out the analysis, that it meets the launch safety standards set out in the Flight Safety Code; and
 - (ii) written confirmation, by an independent person who is approved by the Minister, that the analysis has been carried out in accordance with the alternative methodology and meets the launch safety standards set out in the Flight Safety Code;
- (f) a statutory declaration by the person holding or performing the duties of the position of chief executive officer (however described) in the transferee's organisation verifying that 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;
- (g) a copy of the program management plan, in accordance with regulation 3.08, under which the transferee proposes to conduct the launch or launches, and any connected return;
- (h) a copy of the technology security plan, in accordance with regulation 3.09, under which the transferee proposes to conduct the launch or launches, and any connected return;

- (i) a flight safety plan, in accordance with regulation 3.10, under which the transferee proposes to conduct the launch or launches and any connected return, together with written confirmation by a person approved by the Minister that the launch or launches and any connected return, if carried out in accordance with the plan, will satisfy the launch safety standards set out in the Flight Safety Code;
 - (j) in relation to the criterion in paragraph 26 (3) (d) of the Act:
 - (i) a written statement indicating whether the transferee proposes to satisfy the insurance requirements under paragraph 47 (2) (a) of the Act or to show direct financial responsibility under paragraph 47 (2) (b) of the Act; and
 - (ii) if the transferee proposes to satisfy the insurance requirements under paragraph 47 (2) (a) of the Act, an insurance compliance plan, in accordance with regulation 3.11;
 - (k) if no other Australian law requires the transferee to have an environmental plan approved for the launch or launches, and any connected return:
 - (i) a copy of an environmental plan, containing the arrangements and procedures mentioned in regulation 3.12, under which the transferee proposes to conduct the launch or launches, and any connected return; and
 - (ii) a written assessment, by an independent person having suitable qualifications and experience, of the adequacy of the arrangements and procedures set out in the plan.
- (5) However, the application need not:
- (a) include the information referred to in paragraph (1) (d), (e), (f), (g), (h) or (i) if:
 - (i) the information is the same as the information that the transferor has most recently given to the Minister; and
 - (ii) the transferee includes a written statement to that effect in the application; or

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- (b) be accompanied by the program management plan, the technology security plan or, if applicable, the environmental plan and accompanying assessment if:
 - (i) the plan that the transferee proposes to use, or under which the transferee proposes to operate, is the same as the plan that the transferor uses, or under which the transferor operates, in complying with these Regulations; and
 - (ii) the transferee includes a written statement to that effect in the application; or
- (c) be accompanied by the flight safety plan, the insurance compliance plan (if applicable) or the hazard analysis and accompanying confirmation or confirmations if there is no change to any payload to be carried on any launch vehicle to be launched under the launch permit.

Division 3.5 Documents relevant to conditions and applications under this Part

3.07 Definitions for this Division

In this Division:

applicant, in relation to an application for the transfer of a launch permit, means the proposed transferee.

3.08 Program management plan for launches

For this Part, a program management plan must include at least the following:

- (a) a description of the holder's or applicant's procedures for conducting the launch or launches, and any connected return, including:
 - (i) the arrangements to ensure the safety of ground operations; and
 - (ii) the flight safety arrangements for the launch or each launch, covering the period beginning when an engine of the launch vehicle concerned is started and ending when all its engines stop operating; and

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- (iii) for the launch or each launch, any changes to the mission flight arrangements, the procedures to confirm that the launch vehicle concerned is ready for assembly, the procedures for its assembly, the procedures for launch countdown, and the procedures to recover from any abnormal event concerning the launch;
- (b) a description of the holder's or applicant's arrangements for reporting on a launch;
- (c) a description of the holder's or applicant's arrangements:
 - (i) to ensure that the holder's or applicant's personnel who have, or would have, duties or functions in connection with the launch or launches and any connected return are properly prepared for the launch or launches or return and are aware of the person's duties and functions on the day of a launch or return; and
 - (ii) for responding to any problems encountered in carrying out the launch or launches and any connected return and for taking actions to resolve those problems;
- (d) a statement identifying all hazardous ground operations associated with the launch or launches and a description of the holder's or applicant's procedures to manage those operations;
- (e) the details of the holder's or applicant's communications arrangements for the launch or launches and any connected return, including launch area communications, communications from drop zones to launch area, telemetry communications (including the details of the radio frequencies to be used) and emergency communications;
- (f) the details of any change to each payload to be carried and the effect of the change on the performance and stability of the launch vehicle concerned.

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3.09 Technology security plan for launches

- (1) For this Part, a technology security plan:
 - (a) must cover the arrangements and procedures to be followed by the holder or applicant for safeguarding the technology that is, or will be, used in conducting the launch or launches and any connected return (including the technology used for, or in connection with, integrating a payload with the launch vehicle that is to carry the payload and moving the resultant space object onto the launch pad for launching); and
 - (b) if there is in force an agreement (however described) between Australia and another country or countries that provides for the safeguarding of all or part of that technology, must be appropriate to ensure that Australia gives effect to its obligations under that agreement.
- (2) The procedures referred to in paragraph (1) (a) must include the procedures to be followed by the holder or applicant for preventing unauthorised people from having access to the technology.

3.10 Flight safety plan for launches

For this Part, a flight safety plan must set out:

- (a) the strategies used, or to be used, by the holder or applicant to ensure that the launch or launches and any connected return will be conducted in accordance with the launch safety standards set out in the Flight Safety Code; and
- (b) the arrangements to be followed by the holder or applicant to ensure compliance with the launch safety standards; and
- (c) the assumptions and data used in the hazard analysis referred to in paragraph 3.04 (4) (c) or 3.06 (4) (c) for the launch or launches and any connected return; and
- (d) the arrangements to be followed by the holder or applicant for reporting to the Minister any changes to the assumptions and data and any changes in the arrangements for carrying out the launch or launches and any connected return; and

Regulation 3.11

- (e) the arrangements to be followed by the holder or applicant for reporting, after the launch or launches and any connected return have been carried out, on the compliance of the launch or launches and any connected return with the launch safety standards set out in the Flight Safety Code and the assumptions and data.

3.11 Insurance Compliance Plan

For this Part, an insurance compliance plan must include at least the following:

- (a) a statement setting out the name and address of the insurer or proposed insurer of the launch or launches and any connected return;
- (b) a statement setting out:
 - (i) the name and address of the party taking out the insurance for the launch or launches and any connected return; and
 - (ii) details of all risks to be covered by the contract of insurance;
- (c) a certificate from the insurer or proposed insurer to the effect that the insurer has the financial capacity to insure each launch or return proposed to be covered by the contract of insurance for the amount for which the launch or return would, if the launch permit were granted to the applicant, be required to be insured under section 48 of the Act.

Regulation 3.12

Division 3.6 Miscellaneous

3.12 Arrangements and procedures for environmental plan for launches

For subparagraph 3.02 (1) (g) (ii), 3.04 (4) (1) (i) or 3.06 (4) (k) (i), the arrangements and procedures are:

- (a) the holder's, applicant's or proposed transferee's arrangements:
 - (i) for monitoring and mitigating any adverse effects of each launch, and any connected return, conducted under the launch permit on the environment; and
 - (ii) for implementing the plan; and
- (b) the procedures to be followed by the holder, applicant or proposed transferee:
 - (i) for reporting on the implementation of the plan; and
 - (ii) for reviewing the plan; and
 - (iii) for ensuring that each launch, and any connected return, conducted under the launch permit, is conducted in accordance with any applicable requirements under Australian law for the protection of the environment.

Part 4 Overseas launch certificates

Division 4.1 Criteria for overseas launch certificates

4.01 Criteria for overseas launch certificates

- (1) For paragraph 35 (2) (d) of the Act, the criterion set out in subregulation (2) is prescribed.
- (2) No part of the space object or objects concerned, in which the person has an ownership interest, must be or contain a nuclear weapon or a weapon of mass destruction of any other kind.

Division 4.2 Applications for grant of overseas launch certificates

4.02 Applications for grant of overseas launch certificates (Act s 39)

An application for the grant of an overseas launch certificate must be made in the way set out in this Division.

4.03 Form of application

- (1) The application:
 - (a) must be in writing; and
 - (b) must state the applicant's name and address or, if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory:
 - (i) the applicant's name, registered address and ACN and the names and addresses of its directors; and
 - (ii) if the applicant is a subsidiary of, or is under the direction or financial control of, a parent body, the names and addresses of the directors of the parent body; and

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- (c) must specify the launch facility proposed to be covered by the overseas launch certificate, its location and the date when it commenced operating or is proposed to commence operating; and
- (d) must specify:
 - (i) the date and time of the proposed launch or, if that information is not available to the applicant at the time of the application, the period (which must not be longer than 6 months) within which the launch is proposed to take place; or
 - (ii) for a particular series of launches, the date and time of each proposed launch or, if that information is not available to the applicant at the time of the application, the period (which must not be longer than 6 months) within which the series is proposed to take place; and
- (e) must specify the kind of launch vehicle proposed to be covered by the overseas launch certificate, including the launch vehicle or vehicles proposed to be launched under the certificate; and
- (f) must specify each payload to be carried in which the applicant has an ownership interest, including the name of its manufacturer and country of manufacture; and
- (g) must give details of the proposed orbit (if any) of each payload; and
- (h) must give details of all nominated trajectories or range of trajectories of each space object concerned; and
- (i) must include the information referred to in paragraph 1 of Article IV of the Registration Convention about each payload to be carried in which the applicant has an ownership interest, so far as the applicant knows that information; and
- (j) must give:
 - (i) the name of an individual within the applicant's organisation who is able to deal with all matters in relation to the application; and

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- (ii) the telephone number at which the individual may be contacted at all times, the telephone number (if any) to which a facsimile message for the individual may be transmitted and the individual's e-mail address (if any); and
 - (k) must be accompanied by the documents referred to in subregulation (4).
- (2) The application, and any documents required to accompany the application under this regulation, must be lodged with the Department.
- (3) If a document is not in English, the document must have with it a translation of it into English and a related certificate of verification by an accredited translator.
- (4) For paragraph (1) (k), the following are the documents:
 - (a) all publicly available information about launches, or attempted launches, at the launch facility using launch vehicles of the kind proposed to be covered by the overseas launch certificate for the 5 years immediately preceding the date of the application;
 - (b) documents, in accordance with regulation 4.07, relating to:
 - (i) the applicant's organisational structure; and
 - (ii) particular persons who would, if the overseas launch certificate were granted to the applicant, have duties or functions connected with the proposed launch or launches;
 - (c) a statement that sets out the details of any contractual arrangements between the applicant and any other persons directly connected with the launch or launches;
 - (d) enough information about the launch or launches (that is, information that the Minister reasonably requires and that could reasonably be expected to be available to the applicant) to enable the Minister to make an informed decision as to the probability of the launch or launches causing substantial harm to public health or public safety or causing substantial damage to property;

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- (e) in relation to each space object that is proposed to be launched, a statutory declaration:
 - (i) by the applicant; or
 - (ii) if the applicant is a body incorporated by or under a law of the Commonwealth, or of a State or Territory, by the person holding or performing the duties of the position of chief executive officer (however described) within the applicant's organisation;
verifying that any part of the space object in which the applicant has an ownership interest is not, and does not contain, a nuclear weapon or a weapon of mass destruction of any other kind;
- (f) if any part of any space object in which the applicant has an ownership interest contains any fissionable material and the Minister's written approval for it to do so has been obtained, a copy of that approval.

Division 4.3 Applications for transfer of overseas launch certificates

4.04 Applications for transfer of overseas launch certificates (Act s 39)

An application for a transfer of an overseas launch certificate must be made in the way set out in this Division.

4.05 Form of application

- (1) The application:
 - (a) must be in writing; and
 - (b) must state the reference number of the relevant overseas launch certificate; and
 - (c) must state the transferee's name and address or, if the transferee is incorporated by or under a law of the Commonwealth or of a State or Territory:
 - (i) the transferee's name, registered address and ACN and the names and addresses of its directors; and

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- (ii) if the transferee is a subsidiary of, or is under the direction or financial control of, a parent body, the names and addresses of the directors of the parent body; and
- (d) must specify:
 - (i) the date and time of the proposed launch or, if that information is not available to the applicant at the time of the application, the period (which must not be longer than 6 months) within which the launch is proposed to take place; or
 - (ii) for a particular series of launches, the date and time of each proposed launch or, if that information is not available to the applicant at the time of the application, the period (which must not be longer than 6 months) within which the series is proposed to take place; and
- (e) must specify each payload to be carried in which the transferee has an ownership interest, including the name of its manufacturer and country of manufacture; and
- (f) must give details of the proposed orbit (if any) of each payload; and
- (g) must give details of all nominated trajectories or range of trajectories of each space object concerned; and
- (h) must include the information referred to in paragraph 1 of Article IV of the Registration Convention that relates to each payload to be carried in which the transferee has an ownership interest, so far as the transferee knows that information; and
- (i) must give:
 - (i) the name of an individual within the transferee's organisation who is able to deal with all matters in relation to the application; and
 - (ii) the telephone number at which the individual may be contacted at all times, the telephone number (if any) to which a facsimile message for the individual may be transmitted and the individual's e-mail address (if any); and
- (j) must be signed by both the proposed transferor and transferee; and

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- (k) must be accompanied by the documents referred to in subregulation (5).
- (2) However, the application need not include the information referred to in paragraph (1) (d), (e), (f), (g) or (h) if:
 - (a) the information is the same as the information that the transferor has most recently given to the Minister; and
 - (b) the transferee includes a written statement to that effect in the application.
- (3) The application, and any documents required to accompany the application under this regulation, must be lodged with the Department.
- (4) If a document is not in English, the document must have with it a translation of it into English and a related certificate of verification by an accredited translator.
- (5) For paragraph (1) (k), the following are the documents:
 - (a) documents, in accordance with regulation 4.07, relating to:
 - (i) the proposed transferee's organisational structure; and
 - (ii) particular persons who would, if the overseas launch certificate were transferred to the transferee, have duties or functions connected with the proposed launch or launches;
 - (b) a statement that sets out the details of any contractual arrangements between the transferee and any other persons directly connected with the launch or launches;
 - (c) in relation to each space object that is proposed to be launched, a statutory declaration:
 - (i) by the transferee; or
 - (ii) if the transferee is a body incorporated by or under a law of the Commonwealth, or of a State or Territory, by the person holding or performing the duties of the position of chief executive officer (however described) in the transferee's organisation;
verifying that any part of the space object in which the transferee has an ownership interest is not, and does not contain, a nuclear weapon or a weapon of mass destruction of any other kind;

- (d) if any part of any space object in which the transferee has an ownership interest contains any fissionable material and the Minister's written approval for it to do so has been obtained, a copy of that approval.

Division 4.4 Documents relevant to applications under this Part

4.06 Definitions for this Division

In this Division:

applicant, in relation to an application for the transfer of a overseas launch certificate, means the proposed transferee.

4.07 Applicant's organisational structure

For paragraph 4.03 (4) (b) or 4.05 (5) (a), the documents must consist of:

- (a) a written description of the applicant's organisational structure or the part of the applicant's organisational structure established, or proposed to be established, by the applicant to conduct or carry out the operations covered by the application, including:
- (i) the chain of command within the structure; and
 - (ii) the duties and responsibilities of each position in the chain of command; and
- (b) for each of the applicant's employees whose duties or functions include doing anything directly connected with that part of the launch or launches for which the applicant has direct responsibility, a statement setting out:
- (i) the employee's name, duties and functions, qualifications and experience; and
 - (ii) the employee's usual place of residence (or each of them, if more than one), and employment history, for the 10 years immediately preceding the date of the application.

Regulation 5.01

Part 5 Authorisation of return of overseas-launched space objects

5.01 Other criteria for authorising returns of overseas-launched space objects

For paragraph 43 (3) (f) of the Act, the other criteria are that:

- (a) the person who is to carry out the return or returns must have all necessary environmental approvals under Australian law for the return or returns; and
- (b) the person must have an adequate environmental plan for the return or returns.

Part 6 Exemption certificates

6.01 Matters to which Minister must have regard

For subsection 46 (2) of the Act, the Minister must have regard to the following matters in deciding whether to issue an exemption certificate to a person covering specified conduct:

- (a) whether the conduct is required to deal with an emergency;
- (b) the probability of the conduct causing substantial harm to public health or public safety or causing substantial damage to property;
- (c) the probability of the Commonwealth being exposed to liability, under the Liability Convention or otherwise under international law, for damage caused by the conduct.

Part 7 Insurance/financial requirements

7.01 Direct financial responsibility

- (1) For paragraph 47 (2) (b) of the Act, the holder of a launch permit, overseas launch certificate or section 43 authorisation covering a launch or return must show direct financial responsibility for the launch or return in accordance with this regulation.
- (2) The holder must provide:
 - (a) evidence that the holder has net assets sufficient to cover any liability that the holder might incur for any damage to third parties caused by the launch or return concerned, or other evidence that shows that the holder is able to comply with any obligation of the holder to pay compensation for such damage; and
 - (b) any information that the Minister asks for in writing for the purpose of showing that the holder is able to comply with any obligation of the holder to pay compensation for such damage.
- (3) However, if the holder is incorporated by or under a law of the Commonwealth or of a State or Territory and is a subsidiary of, or is under the direction or financial control of, another body having legal personality, the holder:
 - (a) must provide:
 - (i) evidence that the holder has net assets sufficient to cover any liability that the holder might incur for any damage to third parties caused by the launch or return concerned, or other evidence that shows that the holder is able to comply with any obligation of the holder to pay compensation for such damage; and

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- (ii) any information that the Minister asks for in writing for the purpose of showing that the holder is able to comply with any obligation of the holder to pay compensation for such damage; or
- (b) must provide:
 - (i) evidence that the holder and the other body together have net assets sufficient to cover any liability that the holder might incur for such damage, or other evidence that shows that the holder is able to comply with any obligation of the holder to pay compensation for such damage; and
 - (ii) a guarantee by the other body that, to the extent that any part of any obligation of the holder to pay compensation for such damage is to be covered by the other body's net assets, it will meet that part of the obligation; or
- (c) must provide:
 - (i) evidence that the other body has net assets sufficient to cover any liability that the holder might incur for such damage, or other evidence that shows that the holder is able to comply with any obligation of the holder to pay compensation for such damage; and
 - (ii) a guarantee by the other body that it will meet any obligation of the holder to pay compensation for such damage.

7.02 Maximum probable loss

- (1) For paragraph 48 (3) (a) of the Act, the method of determining the amount of maximum probable loss is as follows:
 - (a) work out the value of third-party casualty losses (within the meaning of the Maximum Probable Loss Methodology) for the launch or return in accordance with the Maximum Probable Loss Methodology;
 - (b) work out the value of third-party property losses (within the meaning of the Maximum Probable Loss Methodology) for the launch or return in accordance with the Maximum Probable Loss Methodology;

Regulation 7.03

- (c) work out the value of losses arising from environmental damage (within the meaning of the Maximum Probable Loss Methodology) for the launch or return in accordance with the Maximum Probable Loss Methodology;
- (d) work out the value of loss of economic use (within the meaning of the Maximum Probable Loss Methodology) for the launch or return in accordance with the Maximum Probable Loss Methodology;
- (e) obtain written confirmation, by an independent person having suitable qualifications and experience who is approved by the Minister, that the values obtained under paragraphs (a) to (d) have been worked out in accordance with the Maximum Probable Loss Methodology;
- (f) work out the amount of the maximum probable loss by adding the values obtained in paragraphs (a) to (d) that have been confirmed in accordance with paragraph (e).

- (2) In subregulation (1):

Maximum Probable Loss Methodology means the document called 'Maximum Probable Loss Methodology', published by the Department, as in force on 26 June 2001.

7.03 Different method of determining minimum amount of total insurance

- (1) For paragraph 48 (3) (b) of the Act, the method of determining the minimum amount of total insurance for a launch authorised by an overseas launch certificate is:
- (a) to obtain, from a jointly-appointed insurance analyst, an assessment as to the amount of liability to pay compensation that the Commonwealth might incur, under the Liability Convention, or otherwise under international law, for any damage to third parties caused by the launch; and
 - (b) to use the assessed amount as the minimum amount of total insurance.

Regulation 7.03

(2) In subregulation (1):

jointly-appointed insurance analyst means an insurer or actuary who:

- (a) is jointly appointed by the Minister and the applicant for the overseas launch certificate; and
- (b) is professionally qualified to give the assessment referred to in paragraph (1) (a).

Regulation 8.01

Part 8 Launch Safety Officer

8.01 Functions of Launch Safety Officer — notice of launches

- (1) For paragraph 51 (a) of the Act, notice of a launch at a licensed launch facility must be given in accordance with this regulation.
- (2) The Launch Safety Officer for the facility must ensure that, not earlier than 10 working days and not later than 2 working days before the launch is due to be carried out, a notice stating the date and time of the launch:
 - (a) is given in writing to the people, authorities and services referred to in subregulation (3); and
 - (b) if there is a community in a place that is within a 50-kilometre radius of the launch facility:
 - (i) is published in all local newspapers for the community; and
 - (ii) is published in any other publication circulated in the community that has been agreed to in writing by the local government authority for the place; and
 - (iii) is broadcast by all local radio stations for the community.
- (3) For paragraph (2) (a), the people, authorities and services are as follows:
 - (a) the Secretary of each of the following Departments:
 - (i) the Department of the Prime Minister and Cabinet;
 - (ii) the Attorney-General's Department;
 - (iii) the Department of Foreign Affairs and Trade;
 - (iv) the Department of Defence;
 - (v) the Department of Transport and Regional Services;
 - (b) the Director of the Civil Aviation Safety Authority;
 - (c) the local government authority for the local government area in which the launch facility is located;

Regulation 8.01

- (d) the relevant officials in relation to affected States and Territories, as specified in subregulation (4);
- (e) the Director-General, Emergency Management Australia;
- (f) the Manager, Aeronautical Information Service, Airservices Australia;
- (g) the Director, North American Aerospace Defence Command, United States Space Command;
- (h) the operator of any ground-based public transport service that operates in a place within a 50-kilometre radius of the launch facility.

(4) For paragraph (3) (d), the relevant officials are:

- (a) in relation to the State or Territory in which the launch facility is located — the officials specified in relation to that State or Territory in columns 3 and 4 of the following table; and
- (b) in relation to a State or Territory over which the space object is intended to fly — the officials specified in relation to that State or Territory in column 4 of that table.

Column 1 Item	Column 2 State or Territory	Column 3 Officials — launch facility	Column 4 Officials — launch facility and overflight
1	New South Wales	Director-General, Premier's Department	Director-General, State Emergency Service of New South Wales
2	Victoria	Secretary, Department of Premier and Cabinet	Commissioner, Office of the Emergency Services Commissioner
3	Queensland	Director-General, Department of the Premier and Cabinet	Director-General, Department of State Development
4	Western Australia	Director-General, Ministry of the Premier and Cabinet	FESA Chief Executive Officer, Fire and Emergency Services Authority of Western Australia

Regulation 8.02

Column 1	Column 2	Column 3	Column 4
Item	State or Territory	Officials — launch facility	Officials — launch facility and overflight
5	South Australia	Chief Executive, Department of the Premier and Cabinet	Director, State Emergency Service of South Australia;
6	Tasmania	Secretary, Department of Premier and Cabinet	Director, State Emergency Service of Tasmania
7	Australian Capital Territory	Chief Executive, Chief Minister's Department	Executive Director, Emergency Management of the Australian Capital Territory
8	Northern Territory of Australia	Secretary, Department of the Chief Minister	Director, Fire and Emergency Services of the Northern Territory
9	Christmas Island	Administrator, the Territory of Christmas Island	Team Leader, Christmas Island Police
		Director-General, Ministry of the Premier and Cabinet of Western Australia	FESA Chief Executive Officer, Fire and Emergency Services Authority of Western Australia

- (5) If there is a community in a place that is within a 50-kilometre radius of the launch facility, the Launch Safety Officer must also ensure that another notice of the launch, including any changes to the information already given under subregulation (2), is broadcast not earlier than 12 hours and not later than 1 hour before the launch by all local radio stations for the community.

8.02 Procedure for giving directions

- (1) For paragraph 54 (1) (a) of the Act, the procedure set out in subregulation (2) is prescribed.

Regulation 8.03

- (2) The Launch Safety Officer for a licensed launch facility:
 - (a) must record each direction given under paragraph 52 (2) (c) of the Act; and
 - (b) must provide a copy of it to the Minister within 10 working days after it is given.

8.03 Procedure for complying with directions

- (1) For paragraph 54 (1) (b) of the Act, the procedure set out in subregulation (2) is prescribed.
- (2) The person to whom a direction is given under paragraph 52 (2) (c) of the Act must, as soon as practicable:
 - (a) record the action that has been taken, or that is proposed to be taken, in response to the direction; and
 - (b) if the person is not the holder of the space licence for the launch facility concerned, provide to the holder a copy of the record and the direction to which the record relates.

Penalty: 50 penalty units.

- (3) An offence against this regulation is an offence of strict liability within the meaning of section 6.1 of the *Criminal Code*.

Regulation 9.01

Part 9 Fees**9.01 Definitions**

In this Part:

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999*.

9.02 Fees in respect of launches authorised by launch permits

- (1) For subsection 59 (1) of the Act, the fee in respect of launches authorised by a launch permit is the sum of:
 - (a) \$44 000; and
 - (b) if the permit authorises a particular series of launches, \$11 000 for each launch after the first launch authorised by the permit.
- (2) The fee referred to in subregulation (1) is the price of the taxable supply within the meaning of the GST Act.
- (3) For subsection 59 (8) of the Act, the fee referred to in subregulation (1) must be paid:
 - (a) in the case of the amount mentioned in paragraph (1) (a) — within 30 days after the grant of the permit; and
 - (b) in the case of an amount mentioned in paragraph (1) (b) — within 30 days after the launch to which the amount relates.

9.03 Fees in respect of applications for overseas launch certificates

- (1) For subsection 59 (2) of the Act, the fee in respect of an application for the grant or transfer of an overseas launch certificate is \$11 000.
- (2) The fee referred to in subregulation (1) is the price of the taxable supply within the meaning of the GST Act.

Regulation 9.05

- (3) For subsection 59 (8) of the Act, the fee referred to in subregulation (1) must be paid at the time when the application is made.

9.04 Fees in respect of applications for space licences

- (1) For subsection 59 (3) of the Act, the fee in respect of an application for the grant or transfer of a space licence is \$300 000.

Note The payment of licence fee under section 59 of the Act is not the provision of consideration for the purpose of the GST Act: see the *A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2000 (No. 2)*.

- (2) For subsection 59 (8) of the Act, the fee referred to in subregulation (1) must be paid:
- (a) at the time when the application is made; or
 - (b) in 2 equal instalments, as follows:
 - (i) in the case of the first instalment of \$150 000 — when the application is made;
 - (ii) in the case of the second instalment of \$150 000 — within 4 months after the day when the application is made.

9.05 Fees in respect of applications for exemption certificates

- (1) For subsection 59 (4) of the Act, the fee in respect of an application for an exemption certificate is \$11 000.
- (2) The fee referred to in subregulation (1) is the price of the taxable supply within the meaning of the GST Act.
- (3) For subsection 59 (8) of the Act, the fee referred to in subregulation (1) must be paid at the time when the application is made.

Regulation 9.06

9.06 Non-payment of fees

If any amount of a fee referred to in regulation 9.02, 9.03, 9.04 or 9.05 remains unpaid after the time when it becomes due for payment, it is a debt due to the Commonwealth and may be recovered in a court of competent jurisdiction.

Part 10 Investigation of accidents

10.01 Fees for persons assisting Investigator

- (1) For subsection 90 (2) of the Act, a person who assists an Investigator must be paid fees worked out as follows:
 - (a) if the person is invited to assist because of the person's occupation, and in practising that occupation he or she is remunerated by wages or salary — an amount equal to the daily rate of the person's remuneration, for each day on which he or she assists the Investigator;
 - (b) if the person is invited to assist because of the person's occupation, and in practising that occupation he or she is remunerated by fees — an amount equal to the average hourly rate of fees charged by the person, for each hour, or part of an hour, spent by him or her in assisting the Investigator;
 - (c) in any other case — \$95 for each day on which he or she assists the Investigator.

- (2) In subregulation (1):

average hourly rate, in relation to fees charged by a person, means the average hourly rate charged by the person for the previous 3 services provided by the person of a kind comparable to the assistance given to the Investigator.

daily rate, in relation to a person's remuneration, means the sum of:

- (a) the daily rate of the person's wages or salary calculated using the method set out in subregulation (3); and
- (b) the amount towards the person's superannuation that the person's employer must contribute in relation to the amount referred to in paragraph (a); and
- (c) if the person's remuneration includes an annual allowance of any kind in addition to the wages or salary referred to in paragraph (a), the daily rate of that allowance calculated using the method set out in subregulation (3).

Regulation 10.02

(3) For subregulation (2):

(a) the daily rate of a person's wages is:

$$A \times 8$$

where:

A is the average hourly rate of wages earned by the person over the 20 most recent days for which the person was paid wages; and

(b) the daily rate of a person's salary is:

$$\frac{\text{the person's annual salary}}{313} \times \frac{6}{5}; \text{ and}$$

(c) the daily rate of a person's annual allowance is:

$$\frac{\text{the annual allowance}}{313} \times \frac{6}{5}.$$

10.02 Allowances for persons assisting Investigator

For subsection 90 (2) of the Act, a person who assists an Investigator must be paid allowances worked out as follows:

- (a) if the person is invited to assist because of the person's occupation, and in practising that occupation he or she is remunerated by wages or salary — an amount equal to the allowances to which the person would be entitled, if the assistance were given in the course of his or her occupation;
- (b) in any other case — if the person is required to be absent overnight from his or her usual place of residence, a reasonable amount, as the Investigator allows, for:
- (i) transport between the person's usual place of residence and the place where his or her assistance is required; and
 - (ii) meals and accommodation.

Regulation 10.03

10.03 Fees and allowances for persons attending before Investigator

- (1) For subsection 91 (7) of the Act, a person who attends before an Investigator, because of his or her professional, scientific or other special skill or knowledge, must be paid the following amount of fees:
 - (a) if the person is remunerated in his or her occupation by wages, salary or fees — an amount equal to the amount of wages, salary or fees lost because of his or her attendance;
 - (b) in any other case — an amount of not less than \$95 or more than \$475, as the Investigator allows, for each day on which he or she attends.
- (2) A person who attends before an Investigator, other than a person referred to in subregulation (1), must be paid the following amount of fees:
 - (a) if the person is remunerated in his or her occupation by wages, salary or fees — an amount equal to the amount of wages, salary or fees lost because of his or her attendance;
 - (b) in any other case — an amount of not less than \$54 or more than \$89, as the Investigator allows, for each day on which he or she attends.
- (3) A person who attends before an Investigator must be paid a reasonable amount, as the Investigator allows, for allowances for:
 - (a) transport between the person's usual place of residence and the place where he or she attends before the Investigator; and
 - (b) if the person is required to be absent overnight from his or her usual place of residence — meals and accommodation.

Part 11 Miscellaneous

11.01 Delegation by Minister

The Minister may, in writing, delegate any or all of his or her powers under the following provisions to the person performing the duties of the position of Director of Space Licensing and Safety Office in the Department:

- (a) subparagraph 3.04 (4) (c) (i);
- (b) subparagraph 3.04 (4) (c) (ii);
- (c) subparagraph 3.04 (4) (e) (ii);
- (d) paragraph 3.04 (4) (j);
- (e) subparagraph 3.06 (4) (c) (i);
- (f) subparagraph 3.06 (4) (c) (ii);
- (g) subparagraph 3.06 (4) (e) (ii);
- (h) paragraph 3.06 (4) (i);
- (i) paragraph 7.02 (1) (e).

11.02 AAT review of decisions

Application may be made to the Administrative Appeals Tribunal for review of:

- (a) a direction given by the Minister under the following provisions:
 - (i) subregulation 2.04 (6);
 - (ii) subregulation 3.02 (2); or
- (b) a decision by an Investigator to allow an amount under the following provisions:
 - (i) paragraph 10.02 (b);
 - (ii) paragraph 10.03 (1) (b);
 - (iii) paragraph 10.03 (2) (b);
 - (iv) subregulation 10.03 (3).

Note

1. Notified in the *Commonwealth of Australia Gazette* on *4* 2001. *5 July*