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## Space Activities Amendment Regulations 2002 (No. 1)<sup>1</sup>

Statutory Rules 2002 No. <sup>2</sup>

166

I, PETER JOHN HOLLINGWORTH, 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 26 JUN 2002 2002

**PETER HOLLINGWORTH**  
Governor-General

By His Excellency's Command

IAN MACFARLANE  
Minister for Industry, Tourism and Resources

|   | Page |
|---|------|
| <b>Contents</b>   |      |
| 1 Name of Regulations   | 2    |
| 2 Commencement  | 2    |
| 3 Amendment of <i>Space Activities Regulations 2001</i>                   | 2    |
| <b>Schedule 1</b> <b>Amendment taken to have commenced on 5 July 2001</b> | 3    |
| <b>Schedule 2</b> <b>Amendments commencing on gazettal</b>                | 5    |

**1 Name of Regulations**

These Regulations are the *Space Activities Amendment Regulations 2002 (No. 2)*.

**2 Commencement**

These Regulations commence, or are taken to have commenced, as follows:

- (a) on 5 July 2001 — regulations 1 to 3 and Schedule 1;
- (b) on gazettal — Schedule 2.

**3 Amendment of *Space Activities Regulations 2001***

Schedules 1 and 2 amend the *Space Activities Regulations 2001*.

## Schedule 1      Amendment taken to have commenced on 5 July 2001

(regulation 3)

### [1]      Part 9

*substitute*

## Part 9                      Fees

*Note* The payment of a fee under section 59 of the Act is not the provision of consideration for the purposes of the *A New Tax System (Goods and Services Tax) Act 1999*; see the *A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2001* (which commenced on 20 June 2001) and later determinations.

### 9.01      Fees for launches authorised by launch permits

- (1) For subsection 59 (1) of the Act, the fee for launches authorised by a launch permit is the sum of:
  - (a) \$40 000; and
  - (b) if the permit authorises a particular series of launches, \$10 000 for each launch after the first launch authorised by the permit.
- (2) For subsection 59 (8) of the Act, the fee mentioned 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.

**9.02 Fees for applications for overseas launch certificates**

- (1) For subsection 59 (2) of the Act, the fee for an application for the grant or transfer of an overseas launch certificate is \$10 000.
- (2) For subsection 59 (8) of the Act, the fee mentioned in subregulation (1) must be paid when the application is made.

**9.03 Fees for applications for space licences**

- (1) For subsection 59 (3) of the Act, the fee for an application for the grant or transfer of a space licence is \$300 000.
- (2) For subsection 59 (8) of the Act, the fee mentioned in subregulation (1) must be paid:
  - (a) 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.

**9.04 Fees for applications for exemption certificates**

- (1) For subsection 59 (4) of the Act, the fee for an application for an exemption certificate is \$10 000.
- (2) For subsection 59 (8) of the Act, the fee mentioned in subregulation (1) must be paid when the application is made.

**9.05 Non-payment of fees**

Any amount of a fee mentioned in regulation 9.01, 9.02, 9.03 or 9.04 that remains unpaid after it becomes due for payment is a debt due to the Commonwealth and may be recovered in a court of competent jurisdiction.

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## Schedule 2      Amendments commencing on gazettal

(regulation 3)

**[1]      Regulation 1.03, definition of *Flight Safety Code***

*omit*

26 June 2001.

*insert*

3 July 2002.

**[2]      Regulation 1.03, after definition of *Flight Safety Code***

*insert*

*List of Designated and Protected Assets* means the document by that name published by the Department, as in force on 3 July 2002.

**[3]      Paragraph 2.06 (1) (h)**

*substitute*

- (h) must state whether the hazard analysis for each launch and any connected return will be carried out in accordance with:
- (i) the Risk Hazard Analysis Methodology in the Flight Safety Code; or
  - (ii) an alternative methodology approved by the Minister; and
- (i) must be accompanied by the documents mentioned in subregulation (4).

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**[4] Subregulation 2.06 (4)***omit*

paragraph (1) (h),

*insert*

paragraph (1) (i),

**[5] Paragraph 2.06 (4) (d)***substitute*

- (d) if a technical recognition instrument exists in relation to the launch facility:
- (i) a written statement to that effect and copies of all documents in relation to the facility, as specified in the technical recognition instrument; and
  - (ii) if the technical recognition instrument covers only part of the facility — a copy of the design and engineering plans and specifications for all parts of the facility not covered by the technical recognition instrument;
- (da) if a technical recognition instrument does not exist in relation to the launch facility — a copy of the design and engineering plans and specifications for all parts of the facility;

**[6] Subparagraph 2.06 (4) (k) (ii)***substitute*

- (ii) if there is a technical recognition instrument that covers the kind of launch vehicle or a relevant launch vehicle, a written statement to that effect and copies of all documents in relation to the kind of launch vehicle or relevant launch vehicle, as specified in the technical recognition instrument;

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**[7] Paragraph 2.06 (4) (l)**

*omit*

2.16.

*insert*

2.16;

**[8] After paragraph 2.06 (4) (l)**

*insert*

- (m) if an alternative methodology is to be used for the hazard analysis for each launch and any connected return, the documents mentioned in subregulation (5A).

**[9] After subregulation 2.06 (4)**

*insert*

- (4A) If the applicant has arranged for the documents mentioned in paragraph (4) (d) or (da) to be given to the Department by someone else, the applicant must tell the Department who that person is and when the documents are likely to be received by the Department.

**[10] After subregulation 2.06 (5)**

*insert*

- (5A) For paragraph (4) (m), the documents are:
- (a) a document that:
- (i) is in a form that can conveniently be audited; and
  - (ii) gives an outline of the proposed methodology; and
  - (iii) gives an example of the operation of the proposed methodology based on a proposed launch activity; and

- 
- (b) a document setting out confirmation by an expert, who has suitable qualifications and experience, who is not a related party and who is approved by the Minister, that the methodology:
- (i) is scientifically sound; and
  - (ii) will serve the same purpose as, and at a comparable standard to, the Risk Hazard Analysis Methodology in the Flight Safety Code.

**[11] Subregulation 2.06 (8), definition of *technical recognition agreement***

*substitute*

*technical recognition instrument* means an instrument between Australia and another country that:

- (a) is in effect; and
- (b) recognises, in whole or in part, the other country's licensing or certification for a particular launch facility or for a particular launch vehicle or kind of launch vehicle for the purpose of demonstrating that the launch facility, launch vehicle or kind of launch vehicle can reasonably be expected to be as effective and safe as practicable for its intended purpose having regard to its design and that purpose.

**[12] Paragraph 2.08 (4) (d)**

*substitute*

- (d) if the construction of the launch facility has not commenced or is not completed or the transferee proposes to modify the launch facility:
  - (i) if a technical recognition instrument exists in relation to the facility:
    - (A) a written statement to that effect and copies of all documents in relation to the facility, as specified in the technical recognition instrument; and



- (B) if the technical recognition instrument covers only part of the facility — a copy of the design and engineering plans and specifications for all parts of the facility not covered by the technical recognition instrument; or
- (ii) if a technical recognition instrument does not exist in relation to the facility — a copy of the design and engineering plans and specifications for all parts of the facility;

**[13] Paragraph 2.08 (4) (k)**

*omit*

regulation 2.16.

*insert*

regulation 2.16;

**[14] After paragraph 2.08 (4) (k)**

*insert*

- (l) if an alternative methodology is to be used for the hazard analysis for each launch and any connected return, the documents mentioned in subregulation (5A).

**[15] After subregulation 2.08 (5)**

*insert*

- (5A) For paragraph (4) (l), the documents are:
  - (a) a document that:
    - (i) is in a form that can conveniently be audited; and
    - (ii) gives an outline of the proposed methodology; and
    - (iii) gives an example of the operation of the proposed methodology based on a proposed launch activity; and

- (b) a document setting out confirmation by an expert who has suitable qualifications and experience, who is not a related party and who is approved by the Minister, that the methodology:
- (i) is scientifically sound; and
  - (ii) will serve the same purpose as, and at a comparable standard to, the Risk Hazard Analysis Methodology in the Flight Safety Code.

**[16] Paragraph 3.02 (1) (a)**

*after*

expenses

*insert*

, up to a limit of \$3 000 000,

**[17] After paragraph 3.02 (1) (d)**

*insert*

- (da) the holder may conduct each launch, and any connected return, only at the date and time specified for the launch and return in the launch permit;

**[18] Paragraphs 3.02 (1) (i) and (j)**

*substitute*

- (i) the holder must ensure that a hazard analysis that complies with paragraph 3.04 (4) (c) has been carried out for each launch from the launch facility and any connected return;
- (j) the holder must comply with any directions given from time to time to the holder under subregulation (2);
- (k) 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;
- (l) the holder must comply with a notice under section 60 of the Act that is given to the holder.

**[19] Paragraph 3.02 (2) (d)***omit*

subparagraph (2) (g) (ii)

*insert*

subparagraph (1) (g) (ii)

**[20] Paragraph 3.04 (1) (d)***substitute*

- (d) must specify the date and time of each launch and any connected return proposed to be conducted under the launch permit by stating:
- (i) a period during which it is proposed that each launch, and any connected return, will happen; or
  - (ii) a period during which it is proposed that a series of launches, and any connected returns, will happen; or
  - (iii) a particular date and time for each launch and connected return; and

**[21] Paragraph 3.04 (1) (k)***substitute*

- (k) must have with it any information required to demonstrate compliance with the Flight Safety Code, including compliance with standards applying to assets mentioned in the List of Designated and Protected Assets; and

**[22] Paragraphs 3.04 (4) (c), (d) and (e)***substitute*

- (c) a hazard analysis of each proposed launch, and any connected return, that:
- (i) was carried out by a suitably qualified expert who is approved by the Minister; and
  - (ii) was carried out in accordance with the methodology nominated, under paragraph 2.06 (1) (h), in the application for a space licence; and

- (iii) meets the launch safety standards set out in the Flight Safety Code;

*Note* The expert may be an employee of the applicant.

**[23] Paragraph 3.04 (4) (j)**

*omit*

a person

*insert*

an expert with suitable qualifications and experience who is not a related party and who is

**[24] After paragraph 3.06 (1) (i)**

*insert*

- (ia) must have with it any information required to demonstrate compliance with the Flight Safety Code, including compliance with standards applying to assets mentioned in the List of Designated and Protected Assets; and

**[25] Paragraphs 3.06 (4) (c), (d) and (e)**

*substitute*

- (c) a hazard analysis of each proposed launch, and any connected return, that:
- (i) was carried out, by a suitably qualified expert who has been approved by the Minister; and
  - (ii) was carried out in accordance with the methodology nominated, under paragraph 2.06 (1) (h), in the application for a space licence; and
  - (iii) meets the launch safety standards set out in the Flight Safety Code;

*Note* The expert may be an employee of the applicant.

**[26] Paragraph 3.06 (4) (i)***omit*

a person

*insert*

a suitably qualified expert who is not a related party and who is

**[27] Paragraphs 4.03 (1) (j) and (k)***substitute*

- (j) must state whether, in the country where the launch or series of launches is proposed to take place, any safety requirements will apply to each proposed launch, giving details of the requirements; and
- (k) 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
- (l) must be accompanied by the documents mentioned in subregulation (4).

**[28] Subregulation 4.03 (4)***omit*

paragraph (1) (k),

*insert*

paragraph (1) (l),

**[29] Paragraph 4.03 (4) (a)**

*omit*

(a) all publicly

*insert*

(a) if:

(i) in the country where the launch is proposed to take place, no safety requirements will apply to the proposed launch; or

(ii) the Minister is not satisfied that any safety requirements that will apply are adequate;

all publicly

**[30] Subregulation 7.02 (2), definition of *Maximum Probable Loss Methodology***

*omit*

26 June 2001.

*insert*

3 July 2002.

**[31] Subregulation 8.01 (4), table, item 1, column 4**

*substitute*

Chair, State Emergency Management Committee and State  
Emergency Operations Controller

**[32] Subregulation 8.01 (4), table, item 2, column 4**

*omit*

Commissioner,

*insert*

Director,

**[33] Subregulation 8.01 (4), table, item 8, column 4***substitute*

Director, Northern Territory Emergency Service

**[34] Subregulation 8.01 (4), table, item 9, column 4***omit*

Team Leader, Christmas Island Police

*insert*

Officer-in-Charge, Christmas Island

**[35] Further amendments**

The following provisions are amended by omitting 'possible' and inserting 'practicable':

- subregulation 2.02 (2)
- subregulation 2.03 (2)
- subparagraph 2.11 (f) (i).

**Notes**

1. These Regulations amend Statutory Rules 2001 No. 186.

2. Notified in the *Commonwealth of Australia Gazette* on *6* 2002.

*3 July*