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Space Activities Amendment Regulations 2003 (No. 1)¹

Statutory Rules 2003 No. ²

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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 - 6 MAR 2003 2003

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

IAN MACFARLANE
Minister for Industry, Tourism and Resources

1 Name of Regulations

These Regulations are the *Space Activities Amendment Regulations 2003* (No.).

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2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Space Activities Regulations 2001*

Schedule 1 amends the *Space Activities Regulations 2001*.

Schedule 1 Amendments

(regulation 3)

[1] Paragraph 2.06 (4) (d)

substitute

- (d) if a technical recognition instrument exists in relation to the launch facility:
- (i) a copy of the design and engineering plans and specifications for all parts of the facility; or
 - (ii) if the Minister grants permission under subregulation 2.06A (4) — the documents and statement mentioned in subregulation 2.06A (5);

[2] Paragraph 2.06 (4) (k)

substitute

- (k) in relation to the launch vehicle or kind of launch vehicle:
- (i) if a technical recognition instrument does not exist in relation to the launch vehicle or kind of launch vehicle — the documents mentioned in regulation 2.15; or

- (ii) if a technical recognition instrument exists in relation to the launch vehicle or kind of launch vehicle:
 - (A) the documents mentioned in regulation 2.15; or
 - (B) if the Minister grants permission under subregulation 2.06B (4) — the documents and statement mentioned in subregulation 2.06B (6);

[3] Subregulation 2.06 (8)

substitute

- (8) In this regulation:
- 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:
 - (i) for a particular launch facility, or a particular part of a launch facility; or
 - (ii) for a particular launch vehicle or kind of launch vehicle, or for a particular part of a launch vehicle or kind of launch vehicle.

[4] After regulation 2.06

insert

2.06A Alternative documents for paragraph 2.06 (4) (d)

- (1) This regulation applies if a technical recognition instrument exists in relation to a launch facility that is relevant to an application for a space licence (whether or not the technical recognition instrument covers all of the facility).

- (2) A person who intends to apply for the grant of a space licence may ask the Minister for permission to provide with the application:
- (a) 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; and
 - (c) any other documents relating to the launch facility that the person proposes to provide;
- instead of the documents mentioned in subparagraph 2.06 (4) (d) (i).
- (3) A request under subregulation (2) must:
- (a) be in writing; and
 - (b) state the person's name and address; and
 - (c) identify the launch facility; and
 - (d) state the name of the technical recognition instrument that exists in relation to the launch facility; and
 - (e) state the reasons why the person:
 - (i) is not able to provide the documents mentioned in subparagraph 2.06 (4) (d) (i); or
 - (ii) should not be required to provide those documents; and
 - (f) identify any documents mentioned in paragraph (2) (c); and
 - (g) identify the grounds established by the technical recognition instrument that provide a basis for the Minister to agree to the provision of the documents mentioned in subregulation (2).
- (4) The Minister:
- (a) must consider the request as soon as practicable after receiving it; and

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- (b) must:
- (i) grant permission to provide the documents mentioned in subregulation (2) instead of the documents mentioned in subparagraph 2.06 (4) (d) (i); or
 - (ii) refuse to grant permission; and
- (c) may specify in a permission any other documents relating to the launch facility that the Minister requires the person to provide; and
- (d) must tell the person of the Minister's decision as soon as practicable after making it.
- (5) If the Minister grants permission to a person under subregulation (4), the person must, when applying for the grant of a space licence:
- (a) provide the documents identified in the permission, including any documents specified under paragraph (4) (c); and
 - (b) include with the documents a statement that:
 - (i) identifies the technical recognition instrument that exists in relation to the launch facility; and
 - (ii) refers to the Minister's permission.

2.06B Alternative documents for subparagraph 2.06 (4) (k) (ii)

- (1) This regulation applies if a technical recognition instrument exists in relation to a launch vehicle or a kind of launch vehicle, or a particular part of a launch vehicle or kind of launch vehicle, that is relevant to an application for a space licence.
- (2) A person who intends to apply for the grant of a space licence may ask the Minister for permission to provide with the application:
- (a) copies of all documents in relation to the launch vehicle or kind of launch vehicle, or the particular part of the launch vehicle or kind of launch vehicle, as specified in the technical recognition instrument; and

- (b) any other documents relating to the launch vehicle or kind of launch vehicle, or the particular part of the launch vehicle or kind of launch vehicle, that the person proposes to provide;

instead of the documents mentioned in sub-subparagraph 2.06 (4) (k) (ii) (A).

- (3) A request under subregulation (2) must:
 - (a) be in writing; and
 - (b) state the person's name and address; and
 - (c) identify the launch vehicle or kind of launch vehicle, or the particular part of the launch vehicle or kind of launch vehicle; and
 - (d) state the name of the technical recognition instrument that exists in relation to the launch vehicle or kind of launch vehicle, or the particular part of the launch vehicle or kind of launch vehicle; and
 - (e) state the reasons why the person:
 - (i) is not able to provide some or all of the documents mentioned in sub-subparagraph 2.06 (4) (k) (ii) (A); or
 - (ii) should not be required to provide those documents; and
 - (f) identify any documents mentioned in paragraph (2) (b); and
 - (g) identify the grounds established by the technical recognition instrument that provide a basis for the Minister to agree to the provision of the documents mentioned in subregulation (2).
- (4) The Minister:
 - (a) must consider the request as soon as practicable after receiving it; and
 - (b) must:
 - (i) grant permission to provide the documents mentioned in subregulation (2) instead of the documents mentioned in sub-subparagraph 2.06 (4) (k) (ii) (A); or
 - (ii) refuse to grant permission; and

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- (c) may specify in a permission any other documents relating to the launch vehicle or kind of launch vehicle, or the particular part of the launch vehicle or kind of launch vehicle, that the Minister requires the person to provide; and
 - (d) must tell the person of the Minister's decision as soon as practicable after making it.
- (5) For paragraph (4) (c), the Minister may specify a document mentioned in regulation 2.15.
- (6) If the Minister grants permission to a person under subregulation (4), the person must, when applying for the grant of a space licence:
- (a) provide the documents identified in the permission, including any documents specified under paragraph (4) (c); and
 - (b) include with the documents a statement that:
 - (i) identifies the technical recognition instrument that exists in relation to the launch vehicle or kind of launch vehicle, or the particular part of the launch vehicle or kind of launch vehicle; and
 - (ii) refers to the Minister's permission.

[5] 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 launch facility:
 - (A) a copy of the design and engineering plans and specifications for all parts of the facility; or
 - (B) if the Minister grants permission under subregulation 2.08A (4) — the documents and statement mentioned in subregulation 2.08A (5); 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;

[6] After regulation 2.08

insert

2.08A Alternative documents for subparagraph 2.08 (4) (d) (i)

- (1) This regulation applies if a technical recognition instrument exists in relation to a launch facility that is relevant to an application for a transfer of a space licence (whether or not the instrument covers all of the facility).
- (2) A person who intends to apply for the transfer of a space licence may ask the Minister for permission to provide with the application:
 - (a) 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; and
 - (c) any other documents relating to the launch facility that the person proposes to provide;instead of the documents mentioned in sub-subparagraph 2.08 (4) (d) (i) (A).
- (3) A request under subregulation (2) must:
 - (a) be in writing; and
 - (b) state the person's name and address; and
 - (c) identify the launch facility; and
 - (d) state the name of the technical recognition instrument that exists in relation to the launch facility; and

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- (e) state the reasons why the person:
 - (i) is not able to provide the documents mentioned in sub-subparagraph 2.08 (4) (d) (i) (A); or
 - (ii) should not be required to provide those documents; and
 - (f) identify any documents mentioned in paragraph (2) (c); and
 - (g) identify the grounds established by the technical recognition instrument that provide a basis for the Minister to agree to the provision of the documents mentioned in subregulation (2).
- (4) The Minister:
- (a) must consider the request as soon as practicable after receiving it; and
 - (b) must:
 - (i) grant permission to provide the documents mentioned in subregulation (2) instead of the documents mentioned in sub-subparagraph 2.08 (4) (d) (i) (A); or
 - (ii) refuse to grant permission; and
 - (c) may specify in a permission any other documents relating to the launch facility that the Minister requires the person to provide; and
 - (d) must tell the person of the Minister's decision as soon as practicable after making it.
- (5) If the Minister grants permission to a person under subregulation (4), the person must, when applying for the transfer of a space licence:
- (a) provide the documents identified in the permission, including any documents specified under paragraph (4) (c); and
 - (b) include with the documents a statement that:
 - (i) identifies the technical recognition instrument that exists in relation to the launch facility; and
 - (ii) refers to the Minister's permission.

[7] Subparagraph 11.02 (b) (iv)*substitute*


(iv) subregulation 10.03 (3); or

[8] After paragraph 11.02 (b)*insert*

(c) a decision by the Minister to refuse to grant permission under the following provisions:

- (i) subparagraph 2.06A (4) (b) (ii);
- (ii) subparagraph 2.06B (4) (b) (ii);
- (iii) subparagraph 2.08A (4) (b) (ii).

Notes

1. These Regulations amend Statutory Rules 2001 No. 186, as amended by 2002 No. 166.
2. Notified in the *Commonwealth of Australia Gazette* on  2003.

13 March