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Space Activities Amendment Regulations 2004 (No. 1)¹

Statutory Rules 2004 No. $\frac{1}{2}$

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I, PHILIP MICHAEL JEFFERY, 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 22 APR 2004 2004

PM Jeffery

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 2004 (No. 1)*.

2 Commencement

These Regulations commence on the date of their notification in the *Gazette*.

3 Amendment of *Space Activities Regulations 2001*

Schedule 1 amends the *Space Activities Regulations 2001*.

Schedule 1 Amendments

(regulation 3)

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

insert

launch permit holder means the holder of a launch permit.

licence holder means the holder of a space licence.

[2] Regulation 1.03, after definition of *List of Designated and Protected Assets*

insert

origin, of a payload, includes:

- (a) the person that paid or will pay for the payload; and
- (b) the person that provided or will provide the payload; and
- (c) the country in which the payload was manufactured or will be manufactured.

[3] Regulation 1.03, after definition of *parent body**insert*

related entity has the meaning given by section 9 of the *Corporations Act 2001*.

[4] After regulation 1.03*insert***1.04 Application for declaration — approved scientific or educational organisation**

- (1) For section 8C of the Act, an application for a declaration under section 8A of the Act must:
- (a) be in writing; and
 - (b) state the applicant's name, address and ABN (if any) or ACN (if any); and
 - (c) include the following information:
 - (i) a statement whether the applicant claims to be one or more of the following:
 - (A) an educational institution;
 - (B) a non-profit body;
 - (C) a scientific organisation;
 and, if so, the basis of the claim;
 - (ii) whether the applicant is a body corporate, unincorporated body or an individual;
 - (iii) details of the applicant's organisational structure;
 - (iv) the applicant's principal function;
 - (v) the applicant's principal activities;
 - (vi) if the applicant is not an individual — the purpose for which, and the manner in which, the applicant was established;

Examples for subparagraph (vi)

1. Establishment by a law of the Commonwealth or of a State or Territory.
2. Establishment by incorporation.

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- (vii) whether the applicant carries on business for the purpose of profit or gain to its individual members, or to particular persons;
 - (viii) whether the applicant is prohibited, by the terms of the body's constitution, or by operation of law, from making any distribution of its assets (including money and property), to its members or to particular persons while the body is operating or upon being wound up;
 - (ix) a description of the space activity, or the series of space activities, that the applicant proposes to undertake or is likely to undertake;
 - (x) a description of the purpose or purposes of the activity or series of activities;
 - (xi) details of the nature, origin and function of the payload for each activity or series of activities;
 - (xii) details of the proposed use of the results, data, intellectual property or other products that are expected to be obtained or collected as a result of the activity or series of activities;
 - (xiii) details of the nature and source of the funding for the activity or series of activities, and details of any conditions under which the funding is or will be provided;
 - (xiv) details of any agreement, memorandum of understanding or other arrangement that the applicant has entered into, or is proposing to enter into, in relation to the activity or the series of activities;
 - (xv) when the applicant expects that the activity or the series of activities will be conducted;
 - (xvi) the extent of participation by Australian nationals in the activity or the series of activities;
 - (xvii) the name of each person that is a related party or related entity in relation to the applicant;
 - (xviii) if a related party or related entity has a financial or ownership interest in the applicant, a description of that interest;

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- (ixx) the name of an individual within the institution, body or organisation who is able to deal with all matters in relation to the application;
 - (xx) the telephone number at which the individual may be contacted at all times;
 - (xxi) the telephone number (if any) to which a facsimile message for the individual may be transmitted;
 - (xxii) the individual's e-mail address (if any); and
- (d) be signed by:
- (i) the chief executive officer of the applicant; or
 - (ii) if the applicant does not have a chief executive officer — a person whose duties are equivalent to the duties of a chief executive officer; and
- (e) be accompanied by:
- (i) documents that provide evidence that supports a claim mentioned in subparagraph (c) (i); and
 - (ii) documents that provide evidence of the matters mentioned in subparagraphs (c) (ii) to (xviii); and
 - (iii) if the applicant is not an individual — a copy of the applicant's constitution (if any).

Note The making of a declaration under section 8A of the Act does not imply that the applicant will be granted approval to undertake a particular space activity or series of space activities.

- (2) If, at the time the application is made, an applicant does not have an ABN or an ACN, and the applicant subsequently obtains an ABN or an ACN, the applicant must tell the Minister as soon as practicable after the ABN or ACN is obtained.

Note 1 Under paragraph 18 (aa) of the Act, a space licence can be granted only to a person that is a corporation to which paragraph 51 (xx) of the Constitution applies.

Note 2 Giving false or misleading information or a false or misleading document is a serious offence — see Part 7.4 of the *Criminal Code*.

[5] Division 2.4

substitute

Division 2.3A Criteria for flight paths

2.03A Criteria for flight paths

- (1) For paragraph 18 (h) of the Act, the criterion set out in subregulation (2) is prescribed.
- (2) The flight path must be as effective and safe for its intended purpose as is reasonably practicable, having regard to:
 - (a) that purpose; and
 - (b) the design of the launch vehicle; and
 - (c) the launch safety standards set out in the Flight Safety Code.

Division 2.4 Space licence conditions

2.04 Definitions for Division 2.4

In this Division:

deemed employee means an individual who, although not employed by the holder of a space licence:

- (a) performs a service for the holder that is directly connected to a space activity; or
- (b) is employed by a person that performs such a service.

personnel record, for an employee or deemed employee, means a record of information about the employee or deemed employee that includes the following:

- (a) the name and residential address of the employee or deemed employee;
- (b) the qualifications of the employee or deemed employee;
- (c) the duties and functions of the employee or deemed employee;
- (d) the date when the employee's or deemed employee's service began;

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- (e) the address of each of the usual places of residence of the employee or deemed employee for the period of 10 years immediately before the record was made;
 - (f) the employment history of the employee or deemed employee for the period of 10 years immediately before the record was made.

2.04A Standard space licence conditions

For paragraph 20 (c) of the Act, the following conditions are specified:

- (a) for each licence holder — the conditions mentioned in regulation 2.04B;
- (b) for a licence holder that is not an approved scientific or educational organisation — the additional conditions mentioned in regulation 2.04C;
- (c) for a licence holder that is an approved scientific or educational organisation — the additional conditions mentioned in regulation 2.04D.

Note 1 The holder of a space licence must not contravene a condition of the licence — see section 21 of the Act. If a person contravenes section 21 of the Act, the person may be subject to a civil penalty — see Part 6 of the Act.

Note 2 The Minister may also suspend a space licence if the holder of the licence contravenes a condition of the licence — see section 25 of the Act.

2.04B Standard space licence conditions — all licence holders

- (1) For paragraph 2.04A (a), the conditions are:
 - (a) the licence holder must give to the Minister a copy of each approval or authorisation that:
 - (i) is mentioned in paragraph 2.16 (1) (a); and
 - (ii) the licence holder has not given to the Minister under the Act or another provision of these Regulations; and

- (b) for each employee or deemed employee mentioned in subregulation (2), the licence holder must, if the licence holder has not already done so under paragraph 2.10 (1) (e), notify the Minister in writing of:
 - (i) the name, qualifications and duties or functions of the employee or deemed employee; and
 - (ii) the address of each of the usual places of residence of the employee or deemed employee for the 10 years immediately preceding the date of the notice; and
 - (iii) the employment history of the employee or deemed employee for the 10 years immediately preceding the date of the notice; and
 - (iv) if, for any reason, an employee or deemed employee changes his or her duties or functions within the holder's organisation, the changed duties or functions; and
 - (c) the licence holder must keep a personnel record for each employee or deemed employee mentioned in subregulation (2); and
 - (d) the licence holder must keep each personnel record for 7 years after the last entry in it was made.
- (2) For paragraphs (1) (b) and (c), 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.

**2.04C Additional standard space licence conditions —
licence holders that are not approved scientific or
educational organisations**

- (1) For paragraph 2.04A (b), the additional conditions are:
- (a) the licence holder 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; and
 - (b) if subregulation (2) applies to the licence holder, the licence holder must ensure that any test flight of a launch vehicle, or a launch vehicle of a kind, mentioned 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; and
 - (c) the licence 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; and
 - (d) the licence holder must comply with an emergency plan that is in accordance with regulation 2.14:
 - (i) if there is an accident or incident or any other emergency of a kind mentioned in that regulation; or
 - (ii) in conducting exercises to test the plan and reporting in relation to those exercises; and
 - (e) the licence holder must ensure that the hazard analysis to be carried out for a launch, and any connected return, is conducted in accordance with a risk hazard analysis methodology that:
 - (i) is in accordance with regulation 2.16A; and
 - (ii) is approved by the Minister; and

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- (f) the licence holder must ensure that each flight path covered by the licence is consistent with the information for the flight path that is:
 - (i) mentioned in regulation 2.16B; and
 - (ii) approved by the Minister; and
 - (g) the licence holder must ensure that the launch facility is constructed and operated in accordance with:
 - (i) if another law of the Commonwealth or of a State or Territory 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; and
 - (h) the licence holder must take all reasonably practicable steps to amend, as necessary:
 - (i) the plans mentioned in paragraphs (a), (c) and (d); and
 - (ii) the plan mentioned in paragraph (b) (if applicable); and
 - (iii) whichever is applicable of the plans mentioned in paragraph (g);so that each plan is kept up-to-date; and
 - (i) the licence holder must comply with a direction given to the holder under subregulation (4); and
 - (j) the licence holder must ensure that a copy of each amendment of the program management plan, the technology security plan and, if applicable, the flight test plan and the environmental plan mentioned in subparagraph (g) (ii), is given to the Minister.
- (2) This subregulation applies to a licence holder 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.

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- (3) For subregulation (2), 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.
- (4) For the purposes of performing functions or exercising powers under the Act, the Minister may give to the licence holder a written direction in relation to the revision of:
- (a) the program management plan mentioned in paragraph (1) (a); or
 - (b) if subregulation (2) applies to the licence holder — the flight test plan mentioned in paragraph (1) (b); or
 - (c) the technology security plan mentioned in paragraph (1) (c); or
 - (d) the risk hazard analysis methodology mentioned in paragraph (1) (e); or
 - (e) if subparagraph (1) (g) (ii) applies to the licence holder — the environmental plan mentioned in that subparagraph.

2.04D Additional standard space licence conditions — licence holders that are approved scientific or educational organisations

- (1) For paragraph 2.04A (c), the additional conditions are:
- (a) the licence holder must ensure that an activity undertaken under the space licence is in accordance with the information about the activity given by the licence holder under regulation 1.04; and
 - (b) the licence holder 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 is approved by the Minister; and

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- (c) if subregulation (2) applies to the licence holder, the licence holder must ensure that any test flight of a launch vehicle, or a launch vehicle of a kind, mentioned 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 is approved by the Minister; and
 - (d) the licence holder must ensure that the launch facility and launch vehicles are operated in accordance with a technology security plan that is approved by the Minister; and
 - (e) the licence holder must comply with an emergency plan that is approved by the Minister; and
 - (f) the licence holder must ensure that the hazard analysis to be carried out for a launch, and any connected return, is conducted in accordance with a risk hazard analysis methodology that is approved by the Minister; and
 - (g) the licence holder must ensure that each flight path is consistent with a description of the flight path that is approved by the Minister; and
 - (h) the licence holder must ensure that the launch facility is constructed and operated in accordance with:
 - (i) if another law of the Commonwealth or of a State or Territory 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 that are approved by the Minister; and
 - (i) the licence holder must take all reasonably practicable steps to amend, as necessary:
 - (i) the plans mentioned in paragraphs (b), (d) and (e); and
 - (ii) the plan mentioned in paragraph (c) (if applicable); and
 - (iii) whichever is applicable of the plans mentioned in paragraph (h);so that each plan is kept up-to-date; and

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- (j) the licence holder must comply with a direction given to the holder under subregulation (4); and
 - (k) the licence holder must ensure that a copy of each amendment of the program management plan, the technology security plan and, if applicable, the flight test plan and the environmental plan mentioned in subparagraph (h) (ii), is given to the Minister.
- (2) This subregulation applies to a licence holder 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.
- (3) For subregulation (2), 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.
- (4) For the purposes of performing functions or exercising powers under the Act, the Minister may give to the licence holder a written direction in relation to the revision of:
- (a) the program management plan mentioned in paragraph (1) (b); or
 - (b) if subregulation (2) applies to the licence holder — the flight test plan mentioned in paragraph (1) (c); or
 - (c) the technology security plan mentioned in paragraph (1) (d); or
 - (d) the risk hazard analysis methodology mentioned in paragraph (1) (f); or
 - (e) if subparagraph (1) (h) (ii) applies to the licence holder — the environmental plan mentioned in that subparagraph.

[6] Paragraph 2.06 (1) (b)

substitute

- (b) must state:
- (i) the applicant's name, registered address and ACN; and
 - (ii) the names and addresses of the persons responsible for the management and control of the applicant; and
 - (iii) the applicant's ABN (if any); and
- (ba) must include evidence that the applicant is a corporation; and

Note Under paragraph 18 (aa) of the Act, a space licence can be granted only to a person that is a corporation to which paragraph 51 (xx) of the Constitution applies.

[7] After paragraph 2.06 (1) (e)

insert

- (ea) must specify each flight path proposed to be covered by the space licence; and

[8] Paragraphs 2.06 (1) (h) and (i)

substitute

- (h) must be accompanied by the documents mentioned in subregulation (4); and
- (i) for an applicant that is not an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4B); and
- (j) for an applicant that is an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4C).

[9] Subregulations 2.06 (4) and (4A)

substitute

- (4) For paragraph (1) (h), the documents are:
- (a) the documents mentioned in paragraphs 2.10 (1) (a) to (d), relating to the applicant's organisational structure and financial standing; and
 - (b) a document setting out the details mentioned in paragraph 2.10 (1) (e) for each person 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; and
 - (c) 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); and
 - (d) 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; and
 - (e) evidence of any necessary approval (however described) that the applicant is required to have by or under a law of the Commonwealth or of a State or Territory 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; and
 - (f) evidence to show that all necessary environmental approvals under a law of the Commonwealth or of a State or Territory have been obtained for the construction and operation of the relevant launch facility (including, if a particular environmental approval is not necessary, evidence to that effect); and

- (g) 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); and
 - (h) a copy of an outstanding acquittals plan, in accordance with regulation 2.16.
- (4A) If the applicant has arranged for the documents mentioned in paragraph (4) (c) or (d) 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.
- (4B) For paragraph (1) (i), the documents are:
- (a) 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; and
 - (b) 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 proposed to be conducted at the launch facility; and
 - (c) 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; and

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- (d) 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 mentioned in that regulation; and
 - (e) a copy of the risk hazard analysis methodology, in accordance with regulation 2.16A, that the applicant proposes to use for each launch and any connected return; and
 - (f) a document containing the information mentioned in regulation 2.16B for each flight path proposed to be covered by the space licence; and
 - (g) if no other law of the Commonwealth or of a State or Territory 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.
- (4C) For paragraph (1) (j), the documents are:
- (a) a copy of the declaration under section 8A of the Act in relation to the applicant; and
 - (b) a document setting out evidence of the purpose of each activity proposed to be undertaken by the applicant; and
 - (c) a copy of the program management plan under which the applicant proposes to operate the launch facility and launch vehicles and do any construction associated with the launch facility; and
 - (d) if subregulation (6) applies to the applicant — a copy of the flight test plan 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 proposed to be conducted at the launch facility; and

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- (e) a copy of the technology security plan that the applicant proposes to use in operating the launch facility and the relevant launch vehicles; and
 - (f) a copy of the emergency plan that the applicant proposes to use in relation to an accident, incident, or any other emergency; and
 - (g) if no other law of the Commonwealth or of a State or Territory requires the applicant to have an environmental plan approved for the construction and operation of the launch facility— a copy of an environmental plan containing the arrangements and procedures approved by the Minister; and
 - (h) a copy of the document describing the risk hazard analysis methodology that the applicant proposes to use for each launch and any connected return; and
 - (i) a description of each flight path proposed to be covered by the space licence.

[10] Subregulation 2.06 (5A)

omit

[11] Regulation 2.06A, heading

substitute

2.06A Alternative documents for subparagraph 2.06 (4) (c) (ii)

[12] Subregulation 2.06A (2)

omit

subparagraph 2.06 (4) (d) (i).

insert

subparagraph 2.06 (4) (c) (i).

[13] Subparagraphs 2.06A (3) (e) (i) and (4) (b) (i)

omit

subparagraph 2.06 (4) (d) (i); or

insert

subparagraph 2.06 (4) (c) (i); or

[14] Regulation 2.06B, heading

substitute

2.06B Alternative documents for sub-subparagraph 2.06 (4) (g) (ii) (B)

[15] Subregulation 2.06B (2)

omit

sub-subparagraph 2.06 (4) (k) (ii) (A).

insert

sub-subparagraph 2.06 (4) (g) (ii) (A).

[16] Subparagraphs 2.06B (3) (e) (i) and (4) (b) (i)

omit

sub-subparagraph 2.06 (4) (k) (ii) (A); or

insert

sub-subparagraph 2.06 (4) (g) (ii) (A); or

[17] Paragraph 2.08 (1) (c)

substitute

(c) must state:

- (i) the proposed transferee's name, registered address and ACN; and
- (ii) the names and addresses of the persons responsible for the management and control of the proposed transferee; and

- (iii) the proposed transferee's ABN (if any); and
- (ca) must include evidence that the proposed transferee is a corporation; and

Note Under section 22 and paragraph 18 (aa) of the Act, a space licence can be transferred only to a person that is a corporation to which paragraph 51 (xx) of the Constitution applies.

[18] Paragraph 2.08 (1) (h)

substitute

- (h) must be accompanied by the documents mentioned in subregulation (4); and
- (i) for a proposed transferee that is not an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4A); and
- (j) for a proposed transferee that is an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4B).

[19] Subregulation 2.08 (4)

substitute

- (4) For paragraph (1) (h), the documents are:
 - (a) documents, in accordance with paragraphs 2.10 (1) (a) to (d), relating to the proposed transferee's organisational structure and financial standing; and
 - (b) a document setting out the details mentioned in paragraph 2.10 (1) (e) for each person who would, if the space licence were transferred to the proposed transferee, have duties or functions connected with the operation of the relevant launch facility or relevant launch vehicles using the launch facility; and

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- (c) if the construction of the launch facility has not commenced or is not completed or the proposed 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; and
- (d) evidence of any necessary approval (however described) that the proposed transferee is required to have by or under a law of the Commonwealth or of a State or Territory for the arrangements and procedures set out 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; and
- (e) evidence to show that all necessary environmental approvals that the proposed transferee is required to have by or under a law of the Commonwealth or of a State or Territory have been obtained for the construction and operation of the launch facility (including, if a particular environmental approval is not necessary, evidence to that effect); and
- (f) a copy of an outstanding acquittals plan, in accordance with regulation 2.16.
- (4A) For paragraph (1) (i), the documents are:
- (a) a copy of the program management plan, in accordance with regulation 2.11, under which the proposed transferee proposes to operate the launch facility and launch vehicles and do any construction associated with the launch facility; and

- (b) if subregulation (7) applies to the proposed transferee, a copy of the flight test plan, in accordance with regulation 2.12, that the proposed 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 proposed to be conducted at the launch facility; and
 - (c) a copy of the technology security plan, in accordance with regulation 2.13, that the proposed transferee proposes to use in operating the launch facility and the relevant launch vehicles; and
 - (d) a copy of the emergency plan, in accordance with regulation 2.14, that the proposed transferee proposes to use in relation to an accident, incident, or any other emergency mentioned in that regulation; and
 - (e) a copy of the risk hazard analysis methodology, in accordance with regulation 2.16A, that the proposed transferee proposes to use for each launch and any connected return; and
 - (f) a document containing the information mentioned in regulation 2.16B for each flight path proposed to be covered by the space licence; and
 - (g) if no other law of the Commonwealth or of a State or Territory requires the proposed 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.
- (4B) For paragraph (1) (j), the documents are:
- (a) a copy of the declaration under section 8A of the Act in relation to the proposed transferee; and
 - (b) a document setting out evidence of the purpose of each activity proposed to be undertaken by the proposed transferee; and

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- (c) a copy of the program management plan under which the proposed transferee proposes to operate the launch facility and launch vehicles and do any construction associated with the launch facility; and
 - (d) if subregulation (7) applies to the proposed transferee, a copy of the flight test plan that the proposed 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 proposed to be conducted at the launch facility; and
 - (e) a copy of the technology security plan that the proposed transferee proposes to use in operating the launch facility and the relevant launch vehicles; and
 - (f) a copy of the emergency plan that the proposed transferee proposes to use in relation to an accident, incident, or any other emergency; and
 - (g) a copy of the risk hazard analysis methodology that the proposed transferee proposes to use for each launch and any connected return; and
 - (h) a description of each flight path proposed to be covered by the space licence; and
 - (i) if no other law of the Commonwealth or of a State or Territory requires the proposed transferee to have an environmental plan approved for the construction and operation of the launch facility— a copy of an environmental plan containing the arrangements and procedures approved by the Minister.

[20] Subregulation 2.08 (5A)

omit

[21] Paragraph 2.08 (7) (b)

omit

applicant

insert

proposed transferee

[22] Regulation 2.08A, heading

substitute

**2.08A Alternative documents for subparagraph
2.08 (4) (c) (i)**

[23] Subregulation 2.08A (2)

omit

sub-subparagraph 2.08 (4) (d) (i) (A).

insert

sub-subparagraph 2.08 (4) (c) (i) (A).

[24] Subparagraphs 2.08A (3) (e) (i) and (4) (b) (i)

omit

sub-subparagraph 2.08 (4) (d) (i) (A); or

insert

sub-subparagraph 2.08 (4) (c) (i) (A); or

[25] Division 2.7, heading

substitute

**Division 2.7 Documents relevant to certain
conditions and applications under
this Part**

[26] Regulation 2.11

omit

For this Part,

insert

For paragraphs 2.04C (1) (a), 2.06 (4B) (a) and
2.08 (4A) (a),

[27] Regulation 2.12*omit*

For this Part,

*insert*For paragraphs 2.04C (1) (b), 2.06 (4B) (b) and
2.08 (4A) (b),**[28] Subregulation 2.13 (1)***omit*

For this Part,

*insert*For paragraphs 2.04C (1) (c), 2.06 (4B) (c) and
2.08 (4A) (c),**[29] Regulation 2.14***omit*

For this Part,

*insert*For paragraphs 2.04C (1) (d), 2.06 (4B) (d) and
2.08 (4A) (d),**[30] Regulation 2.15***omit*

For subparagraph 2.06 (4) (k) (i),

insert

For paragraph 2.06 (4) (g),

[31] Regulation 2.16

omit

For this Part,

insert

- (1) For paragraphs 2.06 (4) (h) and 2.08 (4) (f),

[32] Paragraph 2.16 (c)

substitute

- (c) must contain a schedule containing the details mentioned in subregulation (3) in relation to each particular matter:
- (i) that is referred to in a plan mentioned in subregulation (2); and
 - (ii) that is to be verified, validated or acquitted in a way referred to or described in that plan.

[33] After paragraph 2.16 (c)

insert

- (2) For paragraph (1) (c), the plans are:
- (a) for an applicant for a space licence that is not an approved scientific or educational organisation — that is referred to in a plan mentioned in paragraph 2.04C (1) (a) or (c) or, if applicable, paragraph 2.04C (1) (b) or subparagraph 2.04C (1) (g) (ii); and
 - (b) for an applicant for a space licence that is not an approved scientific or educational organisation — that is referred to in a plan mentioned in paragraph 2.04D (1) (b) or (d) or, if applicable, paragraph 2.04D (1) (c) or subparagraph 2.04C (1) (h) (ii).
- (3) For paragraph (1) (c), the details are:
- (a) the matter to be verified, validated or acquitted; and
 - (b) the arrangements for obtaining the verification, validation or acquittal, including the time frame within which it must be obtained.

[34] After regulation 2.16

in Division 2.7, insert

2.16A Risk hazard analysis methodology

For paragraphs 2.04C (1) (e), 2.06 (4B) (e) and 2.08 (4A) (e), a risk hazard analysis methodology must include the following documents:

- (a) a document that:
 - (i) describes the proposed methodology; and
 - (ii) is in a form that can conveniently be assessed against the Risk Hazard Analysis Methodology in the Flight Safety Code; and
 - (iii) sets out each difference (if any) between the proposed risk hazard analysis methodology and the Risk Hazard Analysis Methodology in the Flight Safety Code, together with the reasons for each difference; and
 - (iv) applies the launch vehicle probability of failure model set out in the Risk Hazard Analysis Methodology in the Flight Safety Code; and
 - (v) demonstrates that the proposed risk hazard analysis methodology is technically sound, having regard to the Risk Hazard Analysis Methodology in the Flight Safety Code; and
 - (vi) gives an example of the application of the proposed risk hazard analysis methodology to a launch activity for each proposed flight path;
- (b) a description of any software that the applicant proposes to use to implement the risk hazard analysis methodology including:
 - (i) a description of the way the software will operate to implement the risk hazard analysis methodology; and
 - (ii) a description of the quality management plan covering the development, implementation, validation and operation of the software; and

-
- (iii) a description of the system for maintaining documents, data and records relating to the operation of the software.

2.16B Documents relating to flight paths

For paragraphs 2.04C (1) (f), 2.06 (4B) (f) and 2.08 (4A) (f), the information is:

- (a) a description of the flight path; and
- (b) a description of the purpose of the flight path; and
- (c) the configuration of each launch vehicle that will be used on the flight path; and
- (d) the name and location of each significant property asset that may be affected by an accident involving the operation of the launch vehicle on the flight path; and
- (e) the name and location of each significant area of population that may be affected by an accident involving the operation of the launch vehicle on the flight path; and
- (f) a description of how the licence holder or applicant proposes to ensure that the operation of the launch vehicle on the flight path will:
 - (i) achieve a level of risk that is as low as is reasonably practicable having regard to the intended purpose of the flight, the launch facility and the kind of launch vehicle to be used; and
 - (ii) comply with the launch safety standards set out in the Flight Safety Code; and
- (g) a description of each additional arrangement (if any) to be undertaken by the holder or applicant to increase the safety of the launch activities associated with the flight path.

[35] Regulation 2.17

omit

For subparagraphs 2.04 (2) (e) (ii), 2.06 (4) (j) (i) and 2.08 (4) (j) (i),

insert

For subparagraphs 2.04C (1) (g) (ii), 2.06 (4B) (g) (i) and 2.08 (4A) (g) (i),

[36] Regulation 3.02

substitute

3.02 Standard launch permit conditions

For paragraph 28 (1) (b) of the Act, the conditions are:

- (a) for each launch permit holder — the conditions mentioned in regulation 3.02A; and
- (b) for a launch permit holder that is not an approved scientific or educational organisation — the additional conditions mentioned in regulation 3.02B; and
- (c) for a launch permit holder that is an approved scientific or educational organisation — the additional conditions mentioned in regulation 3.02C.

Note 1 The holder of a launch permit must not contravene a condition of the launch permit — see subsection 30 (1) of the Act. If a person contravenes subsection 30 (1) of the Act, the person may be subject to a civil penalty — see Part 6 of the Act.

Note 2 If the holder of a launch permit contravenes a standard launch permit condition, the holder may also be subject to a criminal or civil penalty — see subsections 30 (2) and (3) and Part 6 of the Act.

Note 3 The Minister may also suspend a launch permit if the holder of the permit contravenes a condition of the permit — see section 34 of the Act.

3.02A Standard launch permit conditions — all launch permit holders

For paragraph 3.02 (a), the conditions are:

- (a) if the launch permit holder is given a direction under paragraph 52 (2) (c) of the Act, the holder:
 - (i) must record the action taken by the launch permit holder in response to the direction; and
 - (ii) must, within 5 working days after the direction is given to the launch permit holder, give to the Minister a copy of the record and the direction; and
 - (iii) must keep the direction and record for 7 years after the day when the direction was given; and
- (b) if the launch permit 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 launch permit holder:
 - (i) must, within 5 working days after the copy of the record and the direction are given to the launch permit holder, give to the Minister a copy of the record and the direction; and
 - (ii) must keep a copy of the record and direction for 7 years after the day when the direction was given; and
- (c) the launch permit 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; and
- (d) the launch permit holder must, if the launch permit holder has not already done so under the Act or these Regulations, give to the Minister the following information and report as soon as practicable after the launch of a space object:
 - (i) the information about the launch mentioned in subparagraph 1 (d) of Article IV of the Registration Convention;
 - (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; and

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- (e) the launch permit holder must comply with a notice under section 60 of the Act that is given to the launch permit holder.

3.02B Additional standard launch permit conditions — permit holders that are not approved scientific or educational organisations

- (1) For paragraph 3.02 (b), the additional conditions are:
 - (a) the launch permit holder must meet all the costs and expenses, up to a total of \$3 000 000, 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; and
 - (b) the launch permit holder must ensure that a hazard analysis that complies with paragraph 3.04 (4A) (d) has been carried out for each launch from the launch facility and any connected return; and
 - (c) the launch permit 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 mentioned in regulation 3.10, any changes to the assumptions and data used in the hazard analysis mentioned in paragraph (b);
 - (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; and
- (d) the launch permit 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; and
- (e) the launch permit holder must also ensure that each launch and any connected return under the launch permit is conducted in accordance with:
 - (i) if another law of the Commonwealth or of a State or Territory requires the launch permit 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; and
- (f) the launch permit holder must take all reasonably practicable steps to amend, as necessary:
 - (i) the plans mentioned in paragraph (d); and
 - (ii) whichever is applicable of the plans mentioned in paragraph (e);so that each plan is kept up-to-date; and
- (g) the launch permit holder must comply with a direction given to the launch permit holder under subregulation (2); and
- (h) the launch permit holder must ensure that a copy of each amendment of the program management plan, the technology security plan, the flight safety plan and, if applicable, the environmental plan mentioned in subparagraph (e) (ii), is given to the Minister.

-
- (2) For the purposes of performing functions or exercising powers under the Act, the Minister may give to the launch permit holder a written direction in relation to the revision of:
- (a) the program management plan; or
 - (b) the technology security plan; or
 - (c) the flight safety plan; or
 - (d) if subparagraph (1) (e) (ii) applies to the launch permit holder — the environmental plan mentioned in that subparagraph.

3.02C Additional standard launch permit conditions — permit holders that are approved scientific or educational organisations

- (1) For paragraph 3.02 (c), the additional conditions are:
- (a) the launch permit holder must meet all the costs and expenses, up to a total of \$3 000 000 or a lower amount specified by the Minister, 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; and
 - (b) the launch permit holder must ensure that an activity undertaken under the launch permit is in accordance with the information about the activity given by the launch permit holder under regulation 1.04; and
 - (c) the launch permit holder must ensure that a hazard analysis that complies with paragraph 3.04 (4B) (f) has been carried out for each launch from the launch facility and any connected return; and
 - (d) the launch permit 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, any changes to the assumptions and data used in the hazard analysis mentioned in paragraph (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; and
- (e) the launch permit holder must ensure that the launch or launches and any connected return are conducted in accordance with:
 - (i) a program management plan that is approved by the Minister; and
 - (ii) a technology security plan that is approved by the Minister; and
 - (iii) a flight safety plan that is approved by the Minister; and
- (f) the launch permit holder must also ensure that each launch and any connected return under the launch permit is conducted in accordance with:
 - (i) if another law of the Commonwealth or of a State or Territory requires the launch permit 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 approved by the Minister; and
- (g) the launch permit holder must take all reasonably practicable steps to amend, as necessary:
 - (i) the plans mentioned in paragraph (e); and
 - (ii) whichever is applicable of the plans mentioned in paragraph (f);so that each plan is kept up-to-date; and

-
- (h) the launch permit holder must comply with a direction given to the launch permit holder under subregulation (2); and
 - (i) the launch permit holder must ensure that a copy of each amendment of the program management plan, the technology security plan, the flight safety plan and, if applicable, the environmental plan mentioned in subparagraph (f) (ii), is given to the Minister.
- (2) For the purposes of performing functions or exercising powers under the Act, the Minister may give to the launch permit holder a written direction in relation to the revision of:
- (a) the program management plan; or
 - (b) the technology security plan; or
 - (c) the flight safety plan; or
 - (d) if subparagraph (1) (f) (ii) applies to the launch permit holder — the environmental plan mentioned in that subparagraph.

[37] Paragraph 3.04 (1) (b)

substitute

- (b) must state:
 - (i) the applicant's name, registered address and ACN; and
 - (ii) the names and addresses of the persons responsible for the management and control of the applicant; and
 - (iii) the applicant's ABN (if any); and
- (ba) must include evidence that the applicant is a corporation; and

Note Under paragraph 26 (3) (b) of the Act, a launch permit can be granted only to a person that is a corporation to which paragraph 51 (xx) of the Constitution applies.

[38] Paragraph 3.04 (1) (l)

substitute

- (l) must be accompanied by the documents mentioned in subregulation (4); and
- (m) for an applicant that is not an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4A); and
- (n) for an applicant that is an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4B).

[39] Subregulation 3.04 (4)

substitute

- (4) For paragraph (1) (l), the documents are:
 - (a) 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 launch 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; and

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- (b) 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; and
 - (c) 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; and
 - (d) 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; and
 - (e) 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.
- (4A) For paragraph (1) (m), the documents are:
- (a) 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; and
 - (b) 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; and

- (c) 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 an expert with suitable qualifications and experience who is not a related party and who is 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; and
- (d) 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 risk hazard analysis methodology mentioned in paragraph 2.04C (1) (e); and
 - (iii) meets the launch safety standards set out in the Flight Safety Code; and

Note The expert may be an employee of the applicant.

- (e) if no other law of the Commonwealth or of a State or Territory 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.
- (4B) For paragraph (1) (n), the documents are:
- (a) a copy of the declaration under section 8A of the Act in relation to the applicant; and
 - (b) a document setting out evidence of the purpose of each activity proposed to be undertaken by the applicant; and

-
- (c) a copy of the program management plan under which the applicant proposes to conduct the launch or launches, and any connected return; and
 - (d) a copy of the technology security plan under which the applicant proposes to conduct the launch or launches, and any connected return; and
 - (e) a flight safety plan under which the applicant proposes to conduct the launch or launches, and any connected return, together with written confirmation by an expert with suitable qualifications and experience who is not a related party and who is 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; and
 - (f) 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 risk hazard analysis methodology mentioned in paragraph 2.04D (1) (f); and
 - (iii) meets the launch safety standards set out in the Flight Safety Code; and

Note The expert may be an employee of the applicant.

- (g) if no other law of the Commonwealth or of a State or Territory requires the applicant to have an environmental plan approved for the launch or launches, and any connected return — a copy of an environmental plan, containing the arrangements and procedures that are approved by the Minister, under which the applicant proposes to conduct the launch or launches, and any connected return.

[40] Paragraph 3.06 (1) (c)

substitute

- (c) must state:
 - (i) the proposed transferee's name, registered address and ACN; and

- (ii) the names and addresses of the persons responsible for the management and control of the proposed transferee; and
 - (iii) the proposed transferee's ABN (if any); and
- (ca) must include evidence that the proposed transferee is a corporation; and

Note Under section 31 and paragraph 26 (3) (b) of the Act, a launch permit can be transferred only to a person that is a corporation to which paragraph 51 (xx) of the Constitution applies.

[41] Paragraphs 3.06 (1) (ia), (j), (k) and (l)

substitute

- (j) 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
- (k) 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
 - (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 signed by the proposed transferor and proposed transferee; and
- (m) must be accompanied by the documents mentioned in subregulation (4); and
- (n) for a proposed transferee that is not an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4A); and
- (o) for a proposed transferee that is an approved scientific or educational organisation — must be accompanied by the documents mentioned in subregulation (4B).

[42] Subregulation 3.06 (4)

substitute

- (4) For paragraph (1) (m), the documents are:
- (a) a statement that sets out the name, qualifications and technical experience of each person (whether or not employed by the proposed transferee) whose functions or duties would, if the permit were transferred to the proposed 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; and
 - (b) a statutory declaration by the person holding or performing the duties of the position of chief executive officer (however described) in the proposed 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; and
 - (c) in relation to the criterion in paragraph 26 (3) (d) of the Act:
 - (i) a written statement indicating whether the proposed 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 proposed 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.

- (4A) For paragraph (1) (n), the documents are:
- (a) a copy of the program management plan, in accordance with regulation 3.08, under which the proposed transferee proposes to conduct the launch or launches, and any connected return; and
 - (b) a copy of the technology security plan, in accordance with regulation 3.09, under which the proposed transferee proposes to conduct the launch or launches, and any connected return; and
 - (c) a flight safety plan, in accordance with regulation 3.10, under which the proposed transferee proposes to conduct the launch or launches and any connected return, together with written confirmation by a suitably qualified expert who is not a related party and who is 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; and
 - (d) 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 risk hazard analysis methodology mentioned in paragraph 2.04C (1) (e); and
 - (iii) meets the launch safety standards set out in the Flight Safety Code; and
- Note* The expert may be an employee of the proposed transferee.
- (e) if no other law of the Commonwealth or of a State or Territory requires the proposed 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 proposed 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.

(4B) For paragraph (1) (o), the documents are:

- (a) a copy of the declaration under section 8A of the Act in relation to the proposed transferee; and
- (b) a document setting out evidence of the purpose of each activity proposed to be undertaken by the proposed transferee; and
- (c) a copy of the program management plan under which the proposed transferee proposes to conduct the launch or launches, and any connected return; and
- (d) a copy of the technology security plan under which the proposed transferee proposes to conduct the launch or launches, and any connected return; and
- (e) a flight safety plan under which the proposed transferee proposes to conduct the launch or launches and any connected return, together with written confirmation by a suitably qualified expert who is not a related party and who is 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; and
- (f) 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 risk hazard analysis methodology mentioned in paragraph 2.04D (1) (f); and
 - (iii) meets the launch safety standards set out in the Flight Safety Code; and

Note The expert may be an employee of the proposed transferee.

- (g) if no other law of the Commonwealth or of a State or Territory requires the proposed transferee to have an environmental plan approved for the launch or launches, and any connected return — a copy of an environmental plan, containing the arrangements and procedures approved by the Minister, under which the proposed transferee proposes to conduct the launch or launches, and any connected return.

[43] Division 3.5, heading

substitute

Division 3.5 Documents relevant to certain conditions and applications under this Part

[44] Regulation 3.08

omit

For this Part,

insert

For subparagraph 3.02B (1) (d) (i) and paragraphs 3.04 (4A) (a) and 3.06 (4A) (a),

[45] Subregulation 3.09 (1)

omit

For this Part,

insert

For subparagraph 3.02B (1) (d) (ii) and paragraphs 3.04 (4A) (b) and 3.06 (4A) (b),

[46] Regulation 3.10

omit

For this Part,

insert

For subparagraph 3.02B (1) (d) (iii) and paragraphs 3.04 (4A) (c) and 3.06 (4A) (c),

[47] Regulation 3.11

omit

For this Part,

insert

For subparagraphs 3.04 (4) (d) (ii) and 3.06 (4) (c) (ii),

[48] Regulation 3.12

omit

For subparagraph 3.02 (1) (g) (ii), 3.04 (4) (l) (i) or 3.06 (4) (k) (i),

insert

For subparagraphs 3.02B (1) (c) (ii), 3.04 (4A) (e) (i) and 3.06 (4A) (e) (i),

[49] Paragraph 4.03 (1) (b)

substitute

- (b) if the applicant is incorporated by or under a law of the Commonwealth or of a State or Territory, must state:
- (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
 - (iii) the applicant's ABN (if any); and

- (ba) if the applicant is not incorporated by or under a law of the Commonwealth or of a State or Territory, must state the applicant's name, address and ABN (if any); and

[50] Paragraph 4.03 (4) (f)

omit

that approval.

insert

that approval;

[51] After paragraph 4.03 (4) (f)

insert

- (g) for an applicant that is an approved scientific or educational organisation:
- (i) a copy of the declaration under section 8A of the Act in relation to the applicant;
 - (ii) a document setting out evidence of the purpose of each activity proposed to be undertaken by the applicant.

[52] Paragraph 4.05 (1) (c)

substitute

- (c) if the proposed transferee is incorporated by or under a law of the Commonwealth or of a State or Territory, must state:
- (i) the proposed transferee's name, registered address and ACN and the names and addresses of its directors; and
 - (ii) if the proposed 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
 - (iii) the proposed transferee's ABN (if any); and

-
- (ca) if the proposed transferee is not incorporated by or under a law of the Commonwealth or of a State or Territory, must state the proposed transferee's name, address and ABN (if any); and

[53] Subparagraphs 4.05 (1) (d) (i) and (ii)

omit

applicant

insert

proposed transferee

[54] Paragraph 4.05 (5) (d)

omit

that approval.

insert

that approval;

[55] After paragraph 4.05 (5) (d)

insert

- (e) for a proposed transferee that is an approved scientific or educational organisation:
- (i) a copy of the declaration under section 8A of the Act in relation to the proposed transferee; and
 - (ii) a document setting out evidence of the purpose of each activity proposed to be undertaken by the proposed transferee.

[56] 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 2002* (which commenced on 1 July 2002). Later determinations may make similar arrangements.

9.01 Fees for applications for launch permits

- (1) For subsection 59 (1) of the Act, the fee for an application for a launch permit, or for the transfer or variation of a launch permit, is:
 - (a) for a person other than an approved scientific or educational organisation, the sum of:
 - (i) \$40 000; and
 - (ii) if the permit authorises a particular series of launches, \$10 000 for each launch after the first launch authorised by the permit; and
 - (b) for an approved scientific or educational organisation, the sum of:
 - (i) \$400; and
 - (ii) if the permit authorises a particular series of launches, \$100 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 when the application is made.

9.02 Fees for applications for overseas launch certificates

- (1) For subsection 59 (2) of the Act, the fee for an application for an overseas launch certificate, or for the transfer or variation of an overseas launch certificate, is:
 - (a) for a person other than an approved scientific or educational organisation — \$10 000; and

(b) for an approved scientific or educational organisation — \$100.

(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 authorisations

(1) For subsection 59 (2A) of the Act, the fee for an application for an authorisation under section 43 of the Act, or for a variation of such an authorisation, is:

(a) for a person other than an approved scientific or educational organisation — \$10 000; and

(b) for an approved scientific or educational organisation — \$100.

(2) For subsection 59 (8) of the Act, the fee mentioned in subregulation (1) must be paid when the application is made.

9.04 Fees for applications for space licences

(1) For subsection 59 (3) of the Act, the fee for an application for a space licence, or for a transfer or variation of a space licence, is:

(a) for a person other than an approved scientific or educational organisation — \$300 000; and

(b) for an approved scientific or educational organisation — \$3 000.

(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 — when the application is made;

(ii) in the case of the second instalment — within 4 months after the day when the application is made.

9.05 Annual licence fees

- (1) For subsection 59 (3A) of the Act, the annual licence fee for a space licence is:
 - (a) for a person other than an approved scientific or educational organisation — \$190 000; and
 - (b) for an approved scientific or educational organisation — \$1 900.
- (2) For subsection 59 (8) of the Act, the fee mentioned in subregulation (1) must be paid on or before the anniversary in each year of the day when the space licence was granted.

9.06 Fees for applications for exemption certificates

- (1) For subsection 59 (4) of the Act, the fee for an application for an exemption certificate is:
 - (a) for a person other than an approved scientific or educational organisation — \$10 000; and
 - (b) for an approved scientific or educational organisation — \$100.
- (2) For subsection 59 (8) of the Act, the fee mentioned in subregulation (1) must be paid when the application is made.

9.07 Non-payment of fees

Any amount of a fee mentioned in this Part 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.

[57] Part 10, before regulation 10.01

insert

10.01A Circumstances — accident

- (1) Subject to subregulation (2), for paragraph (b) of the definition of ***accident*** in section 85 of the Act, a circumstance in which damage to the space object occurs in a manner consistent with the stated purpose of the activity for which the object is being used is prescribed.
- (2) Subregulation (1) does not apply to a circumstance in which a flight was terminated by the operation of a flight safety system.

[58] Regulation 11.01

substitute

11.01 Delegation by Minister (Act, s 104)

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

[59] Paragraph 11.02 (a)

substitute

- (a) a direction given by the Minister under the following provisions:
- (i) subregulation 2.04C (4);
 - (ii) subregulation 2.04D (4);
 - (iii) subregulation 3.02B (2);
 - (iv) subregulation 3.02C (2); or

[60] Additional amendments

- (1) The following provisions are amended by omitting each mention of ‘transferee’ and inserting ‘proposed transferee’:
- paragraphs 2.08 (1) (d) and (e)
 - paragraph 2.08 (1) (g)
 - paragraphs 2.08 (6) (a) and (b)
 - subregulation 2.08 (7)
 - subparagraph 3.06 (5) (a) (ii)
 - subparagraph 3.06 (5) (b) (i) and (ii)
 - paragraph 4.05 (1) (e) and (h)
 - paragraph 4.05 (1) (j)
 - paragraph 4.05 (2) (b)
 - subparagraph 4.05 (5) (a) (ii)
 - paragraphs 4.05 (5) (b), (c) and (d).
- (2) The following provisions are amended by omitting each mention of ‘transferee’s’ and inserting ‘proposed transferee’s’:
- subparagraph 2.08 (1) (f) (i)
 - subregulation 2.08 (5)
 - subparagraph 4.05 (1) (i) (i).
- (3) The following provisions are amended by omitting each mention of ‘transferor’ and inserting ‘proposed transferor’:
- paragraph 2.08 (6) (a)
 - subparagraphs 3.06 (5) (a) (i) and (b) (i)
 - paragraph 4.05 (2) (a).

Notes

1. These Regulations amend Statutory Rules 2001 No. 186, as amended by 2002 No. 166; 2003 No. 33.
2. Notified in the *Commonwealth of Australia Gazette* on *✓* 2004.

30 April