

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Industry, Science and Technology

*Space Activities Act 1998*

*Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019*

### **Purpose and Operation**

The *Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019* (the Repeal Guidelines) repeal the *Space Activities (Approved Scientific or Educational Organisations) Guidelines 2015* (the 2015 Guidelines).

The *Space Activities Act 1998* (the Act) established a system to regulate space activities carried on either in Australia or by Australian nationals outside Australia. The Act will be amended by the *Space Activities Amendment (Launches and Returns) Act 2018*, which takes effect on 31 August 2019, and renames the Act to be the *Space (Launches and Returns) Act 2018*.

The 2015 Guidelines were made under section 8B of the Act which empowered the Minister to develop guidelines, by legislative instrument, which he or she must have regard to when deciding whether or not to make a declaration under section 8A of the Act. Section 8A of the Act allowed the Minister to declare an educational institution, a scientific organisation or a non-profit body to be an approved scientific or educational organisation for the purposes of the Act. As part of the amendments to the Act, on 31 August 2019 the ability of the Minister to make a declaration under section 8A of the Act and the authority to make guidelines under section 8B of the Act will be repealed. Therefore, the Repeal Guidelines are a machinery instrument to repeal the 2015 Guidelines.

### **Background**

In 2015, the Australian Government commenced a review of the *Space Activities Act 1998* to ensure Australia's space regulation was appropriate for technology advancements and did not unnecessarily inhibit innovation in Australia's space activities. In March 2017, a Legislative Proposals Paper<sup>1</sup> with key findings from the Review was released for public and Commonwealth consultation outlining proposed amendments to the Act. A finding included in the Legislative Proposals Paper was that approving an activity should focus on the nature of the activity, rather than the type of organisation making the application. A declaration under 8A was focused on the type of organisation making the application. A Bill to amend the *Space Activities Act 1998* was drafted that included removing the ability for the Minister to declare an educational institution, a scientific organisation or a non-profit body to be an approved scientific or educational organisation for the purposes of this Act and removing the ability for the Minister to make guidelines related to making a declaration.

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<sup>1</sup> The Legislative Proposals Paper is available on the Department of Industry, Innovation and Science's website - <https://consult.industry.gov.au/space-activities/reform-of-the-space-activities-act-1998-and-associ/>

## **Authority**

Section 8B of the Act provides that the Minister must develop guidelines that he or she must have regard to when deciding whether or not to make a declaration approving a scientific or educational organisation under section 8A of the Act.

The Repeal Guidelines are made under the Act.

## **Consultation**

As the Repeal Guidelines are machinery in nature, specific consultation on the repeal was not undertaken.

Public consultation on the new legislative instruments that will support the *Space (Launches and Returns) Act 2018*, which included the repeal of the *Space Activities (Approved Scientific or Educational Organisations) Guidelines*, was undertaken in May-June 2019 for a four week period. As part of this consultation, the Agency released a consultation paper along with an exposure draft of the rules, accepted submissions and held a public meeting in every capital city. The Agency also consulted with relevant Australian Government departments.

## **Details of the *Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019***

### **Section 1—Name of Instrument**

This section specifies the name of the instrument as the *Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019* (the Repeal Guidelines).

### **Section 2—Commencement**

This section provides that the Repeal Guidelines commence at the end of 30 August 2019.

### **Section 3—Authority**

This section provides that the Repeal Guidelines are made under the *Space Activities Act 1998*.

### **Section 4—Schedules**

This section provides a machinery clause that enables the Schedule to repeal the *Space Activities (Approved Scientific or Educational Organisations) Guidelines 2015* (the 2015 Guidelines). The 2015 Guidelines will be obsolete because at the end of 30 August 2019 the provisions in the *Space Activities Act 1998* that provide authority for the 2015 Guidelines will no longer exist.

## **SCHEDULE 1—REPEALS**

Schedule 1 repeals the whole of the *Space Activities (Approved Scientific or Educational Organisations) Guidelines 2015*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

*Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019*

These guidelines are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The *Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019* repeal the *Space Activities (Approved Scientific or Educational Organisations) Guidelines 2015*.

### **Human rights implications**

The *Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019* do not engage any of the applicable rights or freedoms.

### **Conclusion**

The *Space Activities (Approved Scientific or Educational Organisations) Repeal Guidelines 2019* are compatible with human rights as they do not raise any human rights issues.

**The Hon Karen Andrews MP**

**Minister for Industry, Science and Technology**