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Australia

National Space Law and Space Policy

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A Long Relationship with Space Activities

- 1949 – development of Woomera launch facility
 - at its peak – world's 2nd most heavily used launch site
- 1958/1959 – foundation member of UNCOPUOS
- 1960s – member of ELDO
- 1960s-1970s – various bilateral launch arrangements
- 1967 – launch of WRESAT-1 – first Australian Government launch
- 1967-1986 – ratification of all 5 UN Space Treaties
- 1998 – Space Activities Act – National Space Law
- 2008 – Senate Enquiry – 'Lost in Space'
- 2009 – Establishment of Space Policy Unit (now Space Coordination Office)
- 2010 – Hayabusa return
- 2011 – 'Principles' for a National Space Policy
- 2013 – Satellite Utilisation Policy

'Attractions' of Australia as a Space Participant / Launch Site

- Geographic location
- Technical expertise
- Well-developed infrastructure/ communications / transport
- Stable political environment
- Large areas of low population density
- Close strategic (military) alliances
- Advocate of non-proliferation
- Australia's space history

1998 Space Activities Act

- Regulatory system for establishment of commercial launch industry
 - no longer a priority / no tangible Government support
- Responsibility of Department of Industry
- Provides for implementation of UN Space Treaties into domestic law
- Restricts launch of weapons (article IV OST)
- Establishes sophisticated licensing regime (article VI OST)
 - ‘national activities’ – territorial / nationality principles
 - => extraterritorial effect – possible need for coordination with >1 national regulatory regime
- Establishes Government authority to administer legislation (article VI OST)
- Deals with liability issues (article VII OST / LC) – indemnity for financial risk
 - direct financial responsibility / insurance
 - can be waived for particular launches (small satellites?)
 - cap on liability – lesser of A\$750million or ‘maximum probable loss’
 - time limitation (30 days)
- Establishes national register / mechanism for information to UN register (article VIII OST / RC)
- Definitions of ‘launch’, ‘launch vehicle’, ‘return’, ‘space object’ refer to altitude of 100km above mean sea level
- Safety / investigation powers

Licensing Regime

- **Space Licence**
 - for operating a launch facility in Australia using a particular kind of launch vehicle
- **Launch Permit**
 - for launch(es) of space objects from Australia and connected returns
- **Overseas Launch Certificate**
 - for launch(es) of a space object by an Australian national from outside Australia
- **Authorisation of Return**
 - for space objects launched from outside Australia to return to Australia
- **Exemption Certificates**
 - granted at the discretion of the Minister - exempts an entity from obligation to obtain space licence / launch permit
 - for emergency situations

'Principles' for a National Space Policy (2011)

- To help Australia achieve its goals in space ...
- Focus on space applications of national significance
- Assure access to space capability
- Strengthen and increase international cooperation
- Contribute to a stable space environment
- Improve domestic coordination
- Support innovation, science and skills development
- Protect and enhance national security and economic well-being

Satellite Utilisation Policy (2013)

- Culmination of many 'false starts'
- Broad statements but some lack of detail
 - pragmatic in light of economic / strategic context
 - 'niche' opportunities
 - 'whole of Government' approach to space
- Recognition of integral function of satellite technology for Australia
 - national security
 - natural disasters
 - large coastline
- Focus on satellite utilisation, not space exploration
 - earth observation / position, timing, navigation / satellite communications
- Focus on partnerships rather than indigenous capability
- No plans for a space agency (Space Coordination Office)
- Support for CoC / UN Debris Mitigation Guidelines
- Support for TCBMs

Future Involvement - Challenges and Opportunities

- Failure to invest in the past
 - fallen behind regional friends and neighbours
 - ongoing tight fiscal policies
- 'indigenous' capability not a major focus
 - financial / political constraints
- Increasing reliance on assured access
 - military / economic / strategic
 - but ... jurisdictional issues
- Utilising areas of technical expertise
- Emphasis on cooperative ventures / strategic alliances
- A (relatively) sophisticated national regime but ...
 - good law alone may not be enough
 - much work to be done => need for further national law to encourage innovation / development
 - the rewards are obvious and the needs significant