

Space Activities Act 1998

GUIDELINES FOR APPLICANTS

CHAPTER 4

OVERSEAS LAUNCH CERTIFICATE

Version 2.1

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1. Introduction

1.1 *Space Activities Act 1998*

An overseas launch certificate is issued under the *Space Activities Act 1998* (the Act). The Act sets out a regime to license space launch activities from Australia, launches of Australian-owned payloads (or parts thereof) from overseas sites, and allows the Minister or the Minister's delegate to exempt parties from the requirement to hold a licence or permit under exceptional circumstances. The Act aims to ensure that the probability of harm to public health and safety or damage to property arising from space activities is as low as reasonably practicable. The Act also ensures Australia meets certain of its obligations under the five United Nations Space Treaties and under specified space cooperation agreements. *The Space Activities Regulations 2001* (the Regulations) provide further detail about the licensing regime, in particular material to be submitted with an application. These Guidelines provide additional explanation and advice for applicants for overseas launch certificates.

1.2 *Role of the SLASO*

The Space Licensing and Safety Office (the SLASO), in the Department of Innovation, Industry, Science and Research (the Department) is responsible for administering the Act, its Regulations, and Guidelines. Applicants wishing to obtain an overseas launch certificate need to apply to the SLASO, who will assess the application and make a recommendation to the Minister for Innovation, Industry, Science and Research (the Minister) or the Minister's delegate.

The SLASO will provide guidance on the information and documents an applicant must submit to obtain an overseas launch certificate. It is, however, the responsibility of the applicant to obtain the evidence required in the preparation of their application. The SLASO will not prepare material for these approvals. The provision of guidance by the SLASO in relation to the preparation of an overseas launch certificate application will not guarantee that the Minister or the Minister's delegate will grant the authorisation being sought. Furthermore, despite the provision of any guidance, the SLASO will not accept any liability in relation to the content of the application—the content will remain the responsibility of the applicant.

1.3 *Overseas Launch Certificate*

The launch from outside Australia of a payload or launch vehicle in which an Australian national has an ownership interest, including an ownership interest in any part of the payload or launch vehicle, requires an overseas launch certificate. An Australian national must also obtain an overseas launch certificate to carry out a launch overseas.

Australian nationals intending to be involved in a space activity overseas should give early consideration to the legal arrangements for the project.

An overseas launch certificate will be issued in respect of the launch of a space object, or a series of launches of space objects, where applicants are able to satisfy a range of

criteria set out in the Act and Regulations. Applicants are required to provide considerable material for this purpose, as set out in the Regulations.

An application form and the application fee are to be submitted as the primary trigger for an overseas launch certificate and must be accompanied by the following:

- (a) details of organisational structure;
- (b) evidence that the organisation is a legal entity with the financial capability to engage in space activities;
- (c) details of contractual arrangements;
- (d) evidence to prove that the probability of harm to public health and safety and damage to property is sufficiently low;
- (e) evidence that insurance and financial requirements have been satisfied;
- (f) statutory declaration confirming that the payload is not, or does not contain, a weapon of mass destruction;
- (g) written approval from the Minister allowing fissionable material (if applicable); and
- (h) information about the payload as required by Article IV of the UN Registration Convention.

Applicants should provide this material with respect to payloads, launch vehicle, or any part of any payload or launch vehicle, in which the applicant has an ownership interest. Applicants must also provide this material if the applicant carries out the launch.

Further information about this material, as well as the process to gain an overseas launch certificate, is described in Section 6, *Documents to Accompany an Application*, of these Guidelines.

The overseas launch certificate will remain in force for the period of time specified on the certificate. The overseas launch certificate may specify that the period during which it remains in force ends on the occurrence of an event rather than at a specified time. The Minister or the Minister's delegate may extend the period for which the overseas launch certificate remains in force, at any time while the certificate is still in force.

Conditions (in addition to the Standard Conditions) will be attached to the overseas launch certificate to ensure compliance with those arrangements upon which the approval was based. These conditions have a basis in the Act and Regulations. One such condition is that the overseas launch certificate holder is required to notify the SLASO of the launch date, as well as provide Registration Convention parameters. Another condition is that the overseas launch certificate holder is required to notify the SLASO of any significant changes, incidents or accidents affecting their payload, launch vehicle, or launch plan. In addition, each certificate may be subject to conditions that are unique to the particular circumstances of the applicant.

A non-refundable fee of \$10,000 must accompany an application for an overseas launch certificate, except if the applicant is an approved educational and scientific organisation under section 8A of the Act, in which case the fee is \$100.

4. Overview of an Overseas Launch Certificate

4.1 Who Should Apply?

An overseas launch certificate is required for the launch or return of a space object (payload, launch vehicle) outside of Australia if an Australian national:

- (a) owns all or some of any payload forming part of the space object concerned during the liability period; or
- (b) carries out the launch or return.

For example, if an Australian registered company owns a satellite to be launched outside Australia, that company would need an overseas launch certificate, even if its satellite formed only part of the payload launched. If an Australian national *owns* some part of a payload to be launched outside Australia (for example an instrument carried on a satellite, or part of a space science experiment) that person would need an overseas launch certificate.

An Australian national who intends to be involved in a project involving the launch or return of a space object overseas should contact the SLASO for initial advice on whether the nature of the involvement would require an overseas launch certificate. The key issue is whether an Australian national will *own* all or some of the payload, or will carry out the launch or return.

Australian nationals intending to be involved in a space activity should give early consideration to the legal arrangements for the project.

4.2 Purpose

The overseas launch certificate ensures that Australia meets its obligations under the United Nations Convention on International Liability for Damage Caused by Space Objects (the Liability Convention) and the Convention on Registration of Objects Launched into Outer Space (the Registration Convention). As a launching State, Australia accepts liability for space objects launched overseas by Australian nationals. Under the Act, the Commonwealth passes this liability onto responsible parties and requires overseas launch certificate holders to have adequate insurance coverage or demonstrate direct financial responsibility for launch activities.

The overseas launch certificate ensures that the probability of harm to public health and safety and damage to property is sufficiently low.

The overseas launch certificate also ensures that Australia's national security, foreign policy and international obligations are not compromised by the activity.

4.3 Basis for Assessment

The Minister or the Minister's delegate may grant an overseas launch certificate once satisfied that the company or individual satisfies the criteria set out in the Act and Regulations. These criteria are designed to ensure that the proposed activity will be

safe, that there is a capacity to pay compensation for any harm or damage and that it does not compromise Australia's national security, foreign policy or international obligations.

In the assessment of the application, due regard will be given to any agreements between Australia and the other launching State or States under which the State or States assume liability and indemnify Australia for any damage that the space object may cause, and the terms of that agreement.

A number of the documents to be provided with an application for an overseas launch certificate require completion or assessment by an agreed independent third party and this assessment should be submitted with the application. Some of the material underpinning the application will also be subject to external audit or verification by the SLASO at its own cost. Further detail about the content of this material is set out in these Guidelines, under Section 6 *Documents to Accompany an Application*.

There is not always an apparent correlation between the documentation listed in the Regulations and the criteria listed in the Act. Some of the requested documents will be assessed to satisfy more than one criterion listed in the Act, while aspects of documents may individually satisfy one or more criteria. As such, all documentation will be used collectively to satisfy the Minister or the Minister's delegate about the criteria set out in the Act before the grant or transfer of an overseas launch certificate.

The Minister or the Minister's delegate may transfer an overseas launch certificate upon application from the proposed transferee, with the agreement from the holder, and payment of the transfer application fee.

The Minister or the Minister's delegate may suspend an overseas launch certificate where it is considered that any conditions of the certificate have been breached, where the insurance/financial requirements are not satisfied or where there are reasons relevant to Australia's national security foreign policy or international obligations to suspend the certificate. The Minister or the Minister's delegate may vary or revoke an overseas launch certificate.

The validity of an application for an overseas launch certificate is subject to the payment of an application fee to the Commonwealth of \$10,000, except if the applicant is an approved educational and scientific organisation under section 8A of the Act, in which case the fee is \$100. This is in respect of an application for the grant or the transfer of an overseas launch certificate and is payable in full when the application is made.

4.4 Penalties

Any party who breaches any conditions of an overseas launch certificate is liable to a civil penalty of:

- for an individual, a fine not exceeding 500 penalty units (\$55,000 as at October 2006); or
- for a body corporate, a fine not exceeding 5000 penalty units (\$550,000 as at October 2006).

If an Australian national conducts the launch of a space object, or a series of launches of space objects, from a facility located outside Australia, and that launch or launches

are not covered by an overseas launch certificate, that party is guilty of an offence punishable on conviction by:

- for an individual, imprisonment for a term not exceeding 10 years, or a fine not exceeding 600 penalty units (\$66,000 as at 29 June 2001), or both; or
- for a body corporate, a fine not exceeding 100,000 penalty units (\$11,000,000 as at 29 June 2001).

5. Application and Assessment

5.1 Application

The Act and Regulations set out the information which must be provided with an application for an overseas launch certificate to satisfy the Minister or the Minister's delegate in relation to the criteria specified in the Act and the Regulations. All information and documents must be submitted to the Director of the SLASO and must be accompanied by the payment of the overseas launch certificate fee.

The application form and all documentation submitted must be in English and where translated from a document in a second language, must be accompanied by a verification report from a translator who is accredited with the national translation organisation of the relevant country. The name of the translator, nationality, level of accreditation and name of national translation organisation should also be provided.

A copy of the *Application for an Overseas Launch Certificate* form is included in these Guidelines. The Department's preference is for 3 hard copies and 1 electronic version of the full application and all supporting material, consistent with the *Electronic Transactions Act 1999*. A list of the supporting material to be submitted with the application is set out in the *Checklist of Documentation to be Submitted with Application*.

5.2 Fee for an Application for an Overseas Launch Certificate

The applicant for an overseas launch certificate must pay the Commonwealth a fee of \$10,000, except if the applicant is an approved educational and scientific organisation under section 8A of the Act, in which case the fee is \$100.¹ This is in respect of an application for the grant or the transfer of an overseas launch certificate.

The fee is payable in full when the application is made. The fee is to (partially) cover the costs incurred by the SLASO and its contractors in assessing the application and supporting material for the overseas launch certificate and includes payment of costs incurred for professional technical advice. As this assessment work is required, irrespective of whether the application is successful, the full fee is payable and is not refundable in the event that the application is not approved.

Cheques should be made payable to the Department of Innovation, Industry, Science and Research and crossed 'not negotiable'. Further detail about where to send payment is set out at the end of these Guidelines, in the *Application for an Overseas Launch Certificate*.

5.3 Assessment Process

The Minister or the Minister's delegate will be responsible for the final decision on whether an overseas launch certificate should be granted. The application will be

¹ Note that a specific declaration under section 8A of the Act is required. For further information, see the Approved Educational and Scientific Organisations Guidelines, or contact the SLASO.

considered, with regard to advice from the SLASO, and an overseas launch certificate will be subsequently issued to the approved applicant if the criteria are satisfied.

The assessment of the application for an overseas launch certificate and supporting documentation will be undertaken by suitably qualified assessors, either members of the SLASO or by independent, suitably qualified organisations contracted by the SLASO.

Assessment of the application and supporting documentation will be against the criteria set out in the Act and the Regulations. An overseas launch certificate will be issued if the Minister or the Minister's delegate is satisfied that the applicant meets all of the criteria set out in the Act and the Regulations.

5.4 Timing for Assessment

Following receipt of all required information, the SLASO will consider the application and, within 20 working days, recommend to the Minister or the Minister's delegate whether to grant the certificate. Receipt of the application will be confirmed in writing, at which point a timeframe for assessment and notification of the decision will be set out. The Minister or the Minister's delegate will also advise the applicant in writing about the success or otherwise of their application.

The assessment period of 20 working days is contingent upon the receipt of all information requested in the Act and Regulations. A 'stop-clock' principle will apply to the assessment of materials, such that if an applicant does not submit all the required information or it is not submitted in an appropriate level of detail, the assessment period will pause. It will recommence on the day the necessary information is received. If all of the required information is not provided, the applicant can expect an extension of the evaluation time period, while the SLASO awaits the additional material.

For example, if the SLASO has completed 15 working days of the 20 day evaluation period and determines that information has not been submitted, the SLASO will stop the clock and request the required information. The clock will then recommence at day 16 upon the receipt of the information.

Should the assessment period need to be extended by the SLASO, the applicant will be advised in writing.

5.5 Changes to an Overseas Launch Certificate

If there are any changes to the information submitted by the applicant for an overseas launch certificate, the holder of the overseas launch certificate must notify the SLASO in writing. Under the conditions of the overseas launch certificate, the holder of a certificate must maintain all documents in an up-to-date condition. This includes keeping the Minister or the Minister's delegate informed of updates on each employee. The holder must then ensure that copies of any amendments are given to the Minister or the Minister's delegate and, if a direction is given to the holder in relation to the amendments, they must comply with the direction.

The holder must notify the SLASO within 10 working days of any changes. Depending on the circumstances, the overseas launch certificate may need to be varied, transferred, suspended or revoked.

A variation will be required where, for example, there is a change in the payload, launch vehicle or launch facility, launch service provider, orbit or trajectory options. Other changes in circumstances may also require a variation.

The overseas launch certificate may be suspended for reasons relevant to Australia's national security, foreign policy or international obligations, if the holder contravenes a condition of the launch certificate, or if the insurance or financial requirements are not satisfied.

The overseas launch certificate has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.

The overseas launch certificate may be revoked where, for example but not exclusive to, the applicant operates contrary to the arrangements upon which the approval was based, breaches any of the conditions attached to an overseas launch certificate or undertakes activities which are contrary to Australia's national security.

As the overseas launch certificate covers a particular payload, any changes to the payload will require a new overseas launch certificate.

5.5.1 *Transfer of an Overseas Launch Certificate*

A transfer will be required where control of the activity to which the certificate relates is to be transferred to another Australian national. This may occur, for example, through a change in controlling ownership of the company that holds the certificate, or the activity to which the certificate relates is sold to another Australian national. This will entail re-assessment of insurance, safety and national security issues. The transfer will take effect at the time specified on the written notice of the Minister or the Minister's delegate's approval of the transfer of the overseas launch certificate. It will continue to cover the same payload, and is subject to the same conditions set out on the original overseas launch certificate. The period for which the certificate remains in force continues despite the transfer.

Transfers will not be required where the payload will be the property of a non-Australian person.

The *Application for Transfer of an Overseas Launch Certificate* is included at the end of these Guidelines. Further details of documents that will need to be prepared (in accordance with Section 6 of these Guidelines) for the transfer of an overseas launch certificate are set out in *Checklist of Documentation to be Submitted with Application for Transfer* at the end of these Guidelines.

5.5.2 *Extension of an Overseas Launch Certificate*

If there is a reasonable chance that the launch window could slip beyond the period for which the overseas launch certificate remains in force, the holder should apply to the Minister in writing to extend or further extend the period as soon as possible. The holder should set out the period of extension required and the reasons why the extension is needed.

5.6 *Liaison with the SLASO*

It is recommended that the applicant commence early discussions with the SLASO about the type of material to be submitted and timing requirements before the submission of an application for an overseas launch certificate. It is expected that there will be ongoing liaison between the SLASO and the applicant regarding aspects of the material submitted, including clarification and requests for further detail to satisfy the criteria set out in the Act and the Regulations.

Contact details for the SLASO are:

The Director
The Space Licensing and Safety Office
Department of Innovation, Industry, Science and Research
GPO Box 9839
CANBERRA ACT 2601

Telephone: (02) 6213 6329
Facsimile: (02) 6213 7249
Email: director.slaso@innovation.gov.au
Website: <http://www.innovation.gov.au/space>

5.7 *Details to be Provided Upon Completion of Launch Activities*

The holder of an overseas launch certificate is required to submit confirmation of any information that may be subject to change, or is nominal data only, on completion of launch activities. This information includes, but is not limited to, the date and time of the launch, the orbit of the space object, and the final trajectory, as well as documentation that must be provided in order to satisfy Article IV of the Registration Convention such as nodal period, inclination, apogee and perigee.

6. Documents to Accompany Application

This section describes all plans, material and documentation that must be submitted with an application for an overseas launch certificate. It provides guidance only about the content of such material and the information needed to meet the requirements set out in the Act and Regulations. Provision of documents, as set out in these Guidelines, does not guarantee that an overseas launch certificate will be granted. Rather, the material, plans and documents will undergo a thorough assessment process to ensure that all arrangements to be put in place are adequate, relevant and appropriate for the proposed launch. Potential applicants should liaise with the SLASO in preparing material to be submitted with an application. The SLASO also notes that potential applicants may benefit from legal advice in the preparation of their application.

6.1 Disclosure of Information

The information contained in the application form and accompanying documents will be used to assist in determining whether the applicant is fit and proper to be involved in activities regulated under the *Space Activities Act 1998* and the *Space Activities Regulations 2001*. The information is required to be collected under the *Space Activities Regulations 2001* and may be disclosed to the relevant Australian Government Departments involved in the assessment of the national security, foreign policy, international obligations or safety aspects of the application. The accompanying documents may also be provided to other bodies, such as relevant State/Territory and local governments, for the purposes of obtaining comments on the plans to enable the Minister or the Minister's delegate to assess the application. Failure to provide this information could affect the applicant's eligibility to be granted an overseas launch certificate or launch permit.

Applicants should be aware of their obligations under the National Privacy Principles set out in Schedule 3 of the *Privacy Act 1988 - Privacy Amendment Act 2004*.

6.2 Organisational Matters

Documents relating to the applicant's organisational structure and details of people connected with the launch should be provided. This material will contribute to an assessment of national security and foreign policy implications of the launch activities, and to ensure that the probability of the launch or launches causing substantial harm to public health and safety or damage to property is sufficiently low. Evidence that the organization is financially viable enough to conduct the proposed activity should also be submitted.

6.2.1 Organisational Structure

Documents relating to the applicant's organisational structure are to be provided. This information will enable consideration of matters such as risk and company control.

This information should include (but is not limited to) a written description of the chain of command within the organisation, as well as duties and responsibilities of each position

in the chain of command. This description could take the form of a diagrammatical representation containing the name and title of the management structure of the organisation.

Applicants should limit details of the organisational structure to that part of the organisation that is directly involved in launch activities or has responsibility for the payload.

6.2.2 Details of People

As well as the names and addresses of all the Directors of the company, information should be provided for each of the applicant's employees with duties or functions connected with that part of the launch or launches for which the applicant has direct responsibility. These employees may include (but are not limited to) managers responsible for the transportation of that part of the space object in which the applicant has an ownership interest and people with authority for making decisions, including quality assurance and product acceptance personnel.

These details must include the name, qualifications, experience, details of the place where the experience was gained, the usual place of residence, and employment history (for the past 10 years). It is important to note that qualifications refer to all qualifications, not just those relevant to the person's role at the launch facility. Similarly, experience refers to all work experience.

Once an overseas launch certificate has been granted, the holder must continue to notify the SLASO of any changes or updates to these records and must keep a personnel record of everyone whose duties are directly connected with launch activities for 7 years.

6.3 Details of Contractual Arrangements

Details of contractual arrangements relating to ownership and operation of a space object are necessary to enable the Minister or the Minister's delegate to assess whether these arrangements will have an impact on Australia's international obligations, public security or national security matters. A statement that sets out the details of any contractual arrangements between the applicant and any other parties directly connected with the launch or launches must be provided. These details should include, at minimum, the name(s) of the parties involved, the terms, the arrangements and the purpose of the contract.

6.4 Probability of Harm to Public Health and Safety and Damage to Property

In order for the Minister or the Minister's delegate to assess whether the activity poses a significant threat of causing substantial harm to public health and safety or damage to property, the applicant should provide a number of documents with the application for the overseas launch certificate.

The applicant must assure the SLASO of appropriate range safety, vehicle reliability, payload integration and of the competence of the launch service provider.

The applicant should provide the following information:

- name, location and operator of the launch facility;
- name and/or other designator of the kind of launch vehicle, the specific launch vehicle configuration(s) to be used and the nature of the flight safety system;
- details of the non-Australian regulation, licensing or approvals arrangements under which the launch is to be authorised and information on the agency responsible for this licensing (if appropriate and an indemnity is not otherwise available);
- historical reliability and performance records and details of any launch incidents, accidents or failures;
- mission profile;
- the results of any risk and hazard analysis performed by the launch operator or regulatory body and, if available, details of the methodology; and
- evidence of launch approval authority.

Launch facility information should include the name of the spaceport, its owner/operator and the name, position and contact details of the person within that organisation responsible for the decision to proceed to launch, the launch pad from which the launch will take place and a description of range safety procedures, such as exclusion arrangements, warnings and abort lines where appropriate. A map of the spaceport should be provided. More information may be required if the launch facility is not a well known or regularly used spaceport.

Launch vehicle information should identify the particular launch vehicle configuration or configurations to be used and should describe the nature of the flight safety system (such as manual destruct, autonomous destruct or autonomous thrust termination) and the nature of the criteria for operation of the flight safety system (eg, violation of abort lines, abnormal attitude etc). More information may be required if the launch vehicle is not a well known or regularly vehicle.

Reliability and performance data should include all publicly available information relating to launches conducted at the facility for the previous 5 years. Information should cover the date of the launch(es), the kind of launch vehicle involved and whether the launch was successful.

Details of launch incidents, accidents or failures should include when the incident, accident or failure occurred, the kind of launch vehicle involved, any damage caused, the outcome of investigations, the cause, and whether any remediation work was undertaken.

Details of the regulation, licensing or approvals arrangements and the responsible agency should include the name of the primary legislation under which the launch would be approved, relevant parts of that legislation including risk acceptance criteria, the authority of the responsible agency to grant approvals and the name and contact details of the agency that grants the approval.

Mission profile information should include key mission events (launch, staging, payload separation etc), their timing and a nominal trajectory. A map showing the ground track of the launch trajectory, with the key mission events and scheduled debris drop zones, should be provided.

For returns, similar information would be expected in relation to the return or landing site, the spacecraft, organisation carrying out the return, return mission profile, reliability, abort options, regulation and licensing arrangements etc.

6.4.2 Other Information

A plan setting out arrangements to be followed in the event of an accident, incident, or other emergency should be provided. The emergency plan should demonstrate that a rigorous assessment process has been undertaken which has identified and analysed all potential accidents, incidents or emergencies involving the launch vehicle, the launch facility and any emergency which might occur near the launch facility. The plan should contain arrangements for monitoring and review. A description of, and reference to, the accident, incident and emergency requirements of the non-Australian regulation, licensing or approvals arrangements for the launch may also be acceptable.

It is a condition of an overseas launch certificate that any launch incident or accident be reported to the SLASO. Such a report should include when the incident, accident or failure occurred, the kind of launch vehicle involved, any damage caused, the outcome of investigations, the cause, and whether any remediation work was undertaken.

6.5 Insurance and Financial Requirements

There are two ways of satisfying insurance and/or financial requirements, either through demonstration of direct financial responsibility (separately identified for individuals, companies registered in Australia, and subsidiary companies) or through satisfaction of insurance requirements.

When considering whether the applicant has satisfied insurance/financial requirements, the Minister or the Minister's delegate may have regard to any agreements between Australia and the other launching State or States under which the State or States assume liability and indemnify Australia for damage that the space object may cause, and the terms of that agreement.

The Minister or the Minister's delegate may consider that, with regard to the nature and purpose of the space object or objects concerned, it is not necessary that the insurance/financial requirements be satisfied. If the applicant is of the opinion that this is the case, it should be discussed with the SLASO and a statement setting out the case for not insisting on the insurance/financial requirements should be included with the application. The applicant will need to demonstrate that adequate insurance/financial arrangements will be in place, for example that the launch of the space object is covered by a no-fault based policy that names the Commonwealth as a co-insured and is for an amount that the SLASO considers is sufficient in light of the risks and that meets the requirements established by the regulatory or licensing authority of the non-Australian launching state.

The SLASO recommends that applicants give early consideration to how they propose to meet the statutory insurance/financial requirements.

6.5.1 Insurance Requirements

Applicants must ensure that the Commonwealth is insured against any liability to pay compensation for damage for an amount not less than the lesser of the amount of \$750 million or the maximum probable loss. The maximum probable loss must be calculated using the method set out in Regulation 7.02. Alternatively the amount may be determined by an assessment undertaken by an internationally recognised independent insurance analyst, jointly appointed by the Commonwealth and the applicant.

Applicants must provide an insurance certificate setting out the insurance arrangements. It should include: the name and address of the insurer; the name and address of the person taking out the insurance; the name of the insureds; the amount of the insurance; and the risks covered by the insurance. If this is not able to be provided at the time of application, a plan for providing it should be included in the application. The SLASO may require the applicant to provide a copy of the contract of insurance and may require evidence of the financial capacity of the insurer.

In certain circumstances, it may be acceptable to provide a statutory declaration, signed by the individual applicant or the CEO or equivalent of the organisation, or a letter from the insurance company about the insurance arrangements. Applicants should contact the SLASO to discuss why an insurance certificate cannot be provided if they propose to take either of these options.

6.5.2 Direct Financial Responsibility

Where the holder of the overseas launch certificate chooses direct financial responsibility, the applicant must, whether the applicant is an individual or company, provide evidence of having sufficient assets to cover any liability to third parties caused by the launch.

In the event that the holder is a company which is under the direction or control of another company, the other company must have sufficient net asset backing to cover any liability and provide a guarantee to the holder that it will meet any obligation of the holder to pay compensation.

Where the applicant is an individual, a statement of the individual's assets and liabilities prepared not more than two months before the date of the application, certified by an independent, competent auditor should be provided. The individual should also provide a statutory declaration stating which of his or her assets are encumbered and that his or her financial circumstances have not materially changed since the date of the statement.

Where the applicant is a company, a statement of its assets and liabilities prepared not more than two months in advance of the date of the application, certified by an independent, competent auditor. The company should also provide a statutory declaration from a director of the company stating that the company's financial circumstances have not changed materially since the date of the statement.

The same information as above should be submitted for a company that controls the applicant, together with the required guarantee (as outlined previously).

Where the applicant is a consortium, similar details should be provided for any investor that holds greater than 5% interest in the applicant or is committed to fund greater than 5% of the costs of any loss arising from launch activities.

6.6 *Statutory Declaration Regarding Weapons of Mass Destruction*

The Minister or the Minister's delegate must be satisfied that the space object or objects in which the applicant has an ownership interest does not contain a nuclear weapon or weapons of mass destruction of any kind. A statutory declaration signed by the applicant, or if the applicant is a body incorporated, the CEO or equivalent should be provided to confirm this.

6.7 *Statutory Declaration Regarding Fissionable Material*

The Minister or the Minister's delegate must be satisfied that the space object or objects does not contain fissionable material of any kind. A statutory declaration signed by the CEO or equivalent should be provided to confirm this (relating to the part of the space object that the applicant has ownership interest). If any part of the space object or objects does contain fissionable material, the Minister's written approval must be obtained, and a copy of that approval must be included with the application.

6.8 *Approval from the Minister Allowing Fissionable Material*

To obtain approval for the space object or objects to contain fissionable material, the applicant should contact the Minister, in writing, setting out the case for the inclusion of fissionable material relating to the part of the space object that the applicant has ownership interest. This should be done prior to the application process, as a copy of the safety case and approval must be included with the application documentation.

Application for an Overseas Launch Certificate

(To be submitted in English and accompanied by any fees payable and supporting documentation)

Applicant's name: (including ACN)

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Applicant's address: (or registered address if applicant is incorporated under Australian law)

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Applicant's ABN:

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Contact within organisation for application (person who can be contacted to deal with all matters in relation to the application, at all times)

Name:

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Position:

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Contact Details:

Business Hours: (0)	After Hours: (0)
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Mobile:

Facsimile:	Email:
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Names and addresses of directors of the applicant's or the applicant's parent body: (if applicant is incorporated under Australian law)

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Application for an Overseas Launch Certificate

Name and location of launch facility to be covered by overseas launch certificate:

Date launch facility commenced or is proposed to commence operating * :

Date of and time of proposed launch, or the period within which the launch is proposed to take place * :

Date of and time of each proposed launch (for a series of launches), or the period within which the series is proposed to take place * :

Description of kind of launch vehicle to be covered by overseas launch certificate:

Description of each payload in which the applicant has ownership interest:

Application for an Overseas Launch Certificate

Details of proposed orbit (if any) of each payload * :

Details of all nominated trajectories or range of trajectories of each space object concerned * :

Information referred to in paragraph 1 of Article IV of the Registration Convention

Name of launching State or States:

Appropriate designator of space object or its registration number:

Date and territory or location of launch:

Basic orbital parameters:

Apogee

Perigee

Inclination

Nodal period

Certification and acknowledgment

The applicant:

1. ___ Certifies that the person who has executed this application is duly authorised to make the application on the applicant's behalf.
2. ___ Certifies that the information provided in this application is true and correct.
3. ___ Acknowledges that the provision of false and misleading statements in applications or giving false or misleading information is a serious offence.

Signature of applicant

(or person accountable for application)

Position

Date

To be submitted to:

**The Director of the Space Licensing and Safety Office
Department of Innovation, Industry, Science and Research
GPO Box 9839
CANBERRA ACT 2601**

Telephone: (02) 6213 6329

Facsimile: (02) 6213 7249

Email: director.slaso@innovation.gov.au

Website: <http://www.innovation.gov.au/space>

* It is recognised that these details are indicative only and are subject to final payload properties, and the usual commercial, weather and other pressures. Upon approval of the overseas launch certificate and completion of the launch, applicants must provide confirmation of these details to the SLASO.

Checklist of Documentation to be Submitted with Application

**Checklist
(Have you included
the following)?**

- | | | |
|----|---|--------------------------|
| 1. | Application fee..... | <input type="checkbox"/> |
| 2. | Organisational matters..... | <input type="checkbox"/> |
| 3. | Evidence of low probability of harm to public health and safety and damage to property..... | <input type="checkbox"/> |
| 4. | Details of contractual arrangements..... | <input type="checkbox"/> |
| 5. | Insurance/financial requirements..... | <input type="checkbox"/> |
| 6. | Statutory declaration regarding weapons of mass destruction..... | <input type="checkbox"/> |
| 7. | Statutory declaration regarding fissionable material..... | <input type="checkbox"/> |
| 8. | Approval from the Minister allowing fissionable material (if applicable)..... | <input type="checkbox"/> |
| 9. | Verification report from an accredited translator * (if applicable)..... | <input type="checkbox"/> |

* In respect of each document translated into English from an accredited translator. This may include multiple reports if there is more than one translated document (each report needs to be referenced to the appropriate document).