



Australian Government



Australian  
Space Agency

# Overseas Payload Return Authorisation

## Application Guidelines

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### Disclaimer

Guidelines are not legally binding other than to the extent they refer to binding legislation, identified throughout.

These guidelines for the application for overseas payload return authorisations should be read in conjunction with the *Space (Launches and Returns) Act 2018* (the Act) and the *Space (Launches and Returns) (General) Rules 2019* (the General Rules). These guidelines do not exclude, limit or replace the requirements of the Act or General Rules. If there is any ambiguity or inconsistency, the Act and/or General Rules have precedence.

This publication is not legal or professional advice. Persons rely upon this publication entirely at their own risk and must take responsibility for assessing the relevance and accuracy of the information in relation to their circumstances.

### Version control

Version	Date	Details
1.0	December 2022	Initial issue.
1.1	01 December 2023	Updated to reflect changes to application process, now managed through Regulatory Applications Hub.

Approved by the General Manager Office of the Space Regulator.

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# 1. Introduction

## 1.1 About the *Space (Launches and Returns) Act 2018*

Australia is a founding member of the Committee on the Peaceful Uses of Outer Space and is party to the United Nations space treaties. Australia is committed to ensuring a safe, stable and sustainable outer space environment by building a culture of safety and sustainability within the Australian space sector.

The *Space (Launches and Returns) Act 2018* (the Act) sets out a regime for the regulation of space activities in Australia or by Australians overseas. The objects of the Act include seeking to ensure a reasonable balance is achieved between:

- the removal of barriers to participation in space activities and the encouragement of innovation and entrepreneurship in the space industry
- the safety of space activities, and the risk of damage to persons or property as a result of space activities

The Act also implements certain Australian obligations under the United Nations space treaties.

The Act includes powers for the Minister to make rules by legislative instrument. The rules support effective operation of the Act. They are intended to provide clear information and a streamlined process relevant to the approval of an activity under the Act. There are currently three legislative instruments setting out rules under the Act (collectively the Rules):

- the *Space (Launches and Returns) (General) Rules 2019* (the General Rules) provides detail on the application requirements and additional criteria for approvals under the Act (other than high power rockets)
- the *Space (Launches and Returns) (High Power Rocket) Rules 2019* (the High Power Rocket Rules) provides detail on the application requirements and additional criteria for approval of high power rocket permits; and
- the *Space (Launches and Returns) (Insurance) Rules 2019* (the Insurance Rules) provides detail relating to insurance and financial requirements applicable to certain approvals under the Act

## 1.2 About these guidelines

These guidelines explain the authorisation process for the return of a space object to a place or area outside Australia by an Australian national. This is known as an overseas payload return authorisation.

The relevant legislation for an overseas payload return authorisation is the Act and the General Rules.

These guidelines do not include the authorisation for return of a space object to a place or area in Australia. This is covered in either a standard return authorisation or as part of an Australian launch permit.

These guidelines are not legally binding other than to the extent they refer to binding legislation. Therefore these guidelines should be read in conjunction with the Act and the General Rules. Guidelines do not exclude, limit or replace the requirements of the legislation. If there is any ambiguity or inconsistency, the Act and/or General Rules have precedence.

## 1.3 Role of the applicant

An applicant (you/your) is responsible for applying for an overseas payload return authorisation where required and meeting all legislative obligations required by the Act and General Rules, as well as any conditions placed on the authorisation.

## 1.4 Role of the Australian Space Agency

The Australian Space Agency (we/us/the Agency) is a division of the Department of Industry, Science and Resources (the Department). The Department, through the Agency and its Office of the Space Regulator, is responsible for administering the Act and Rules, and publishes information to assist applicants navigate application and assessment processes for their activities.

The Agency is headquartered in Adelaide, South Australia, with staff in most capital cities.

## 1.5 Role of the Minister

The Minister makes the decision whether to grant an overseas payload return authorisation, considering advice from the Agency and only if they are satisfied that an application meets the criteria in the Act (See [2.4 Criteria for granting overseas payload return authorisation](#)).

## 2. Overseas payload return authorisation overview

### 2.1 Who should apply?

You will need an overseas payload return authorisation if you are an Australian national intending to return a space object to a specified place or area outside Australia, or a particular series of such returns, unless that space object is subject to another Australian permit or authorisation. This includes space objects contained within sub orbital launch vehicles.

An Australian national is an Australian citizen, an Australian resident, a body corporate (for example a company registered in Australia) or a commonwealth, state or territory government (see [8. Glossary](#)).

A space object is an object the whole or part of which will travel beyond and/or come back from a distance of 100km above mean sea level. A space object can be any part of such an object, even if the part only goes some of the way towards and/or back from an area beyond the distance of 100km above mean sea level.

Payload commonly refers to an object that travels beyond or returns from over 100km above mean sea level, excluding the launch vehicle. For example, it can refer to an entire satellite, a satellite bus, or anything the bus carries. It also captures any object, including experiments, that the launch or return vehicle carries, but which may not leave the vehicle.

### 2.2 What is the purpose of an overseas payload return authorisation?

An overseas payload return authorisation aims to ensure that the return of a space object by an Australian national outside of Australia is done in a manner such that the probability of causing substantial harm to public health or public safety, or substantial damage to property is as low as reasonably practicable. They also ensure that adequate consideration is given to Australia's security, defence and international relations, and that Australia, as a responsible launching state, meets its obligations under the United Nations space treaties.

### 2.3 Criteria for granting an overseas payload return authorisation

In granting an overseas payload return authorisation, the Minister or their delegate must be satisfied that:

- the person who is to carry out the return or returns is competent to do so
- the insurance/financial requirements in Part 3 Division 7 of the Act will be satisfied for the return or returns
- the probability of the return or returns causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable
- 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
- there are no reasons relevant to the security, defence or international relations of Australia, such that the authorisation should not be given

The Minister may, in deciding whether to grant an overseas payload return authorisation, have regard to:

- whether there is an agreement or arrangement between Australia and any country that is a launching State for any space object concerned under which that country assumes any liability, and indemnifies Australia, for any damage that the space object may cause
- the terms of that agreement or arrangement

## 2.4 Overseas payload return authorisation conditions

There are no standard conditions in the Act or General Rules that apply to an overseas payload return authorisation. However the Minister may grant an authorisation subject to conditions which are relevant to the circumstances of your return.

## 2.5 Offences and civil penalties

The Criminal Code generally applies to all offences against the Act.

It is an offence for an Australian national to return a space object to a place or area outside of Australia without a return authorisation or authorisation certificate covering the return. The penalty ranges from:

- for an individual, imprisonment for a term not exceeding 10 years or a fine not exceeding 5,500 penalty units or both
- for a body corporate, a fine not exceeding 100,000 penalty units

These matters are outlined in section 15A of the Act.

If you breach a condition of your authorisation, where applicable, you may be liable for a fine not exceeding 1,000 penalty units. This matter is outlined in section 46N of the Act.

## 3. Authorisation process

### 3.1 Preparing an application

Before applying for an overseas payload return authorisation you should read and understand these guidelines.

You should then complete and submit an application form through the Regulatory Applications Hub and provide supporting materials demonstrating your progress against the [application requirements](#).

Your application must be made in writing and in English. If a required document is not in English, your application must also include an English language translation.

Our assessment is evidence-based. You should include materials to support your claims. Supporting materials should be robust, sufficiently detailed and appropriate for the scope and complexity of your proposed activity. We generally do not consider standalone statements of compliance to be sufficient.

We provide guidance on the information and documents you must submit. It is, however, your responsibility to obtain the evidence required in your application, including other government approvals. We will not prepare material for these approvals.

Provision of information as set out in these guidelines, and provision of guidance by the Agency in relation to the preparation of your application, does not guarantee that the Minister will decide to grant an authorisation.

You must notify us and update your application if information becomes outdated or incorrect before you have been granted an authorisation. This ensures the Minister's consideration is based on current and accurate information.

### 3.2 Application fees

There are no application fees for an overseas payload return authorisation under the Act.

### 3.3 Submitting an application

To apply for an overseas payload return authorisation you apply directly to the Office of the Space Regulator.

You may submit your application to the Agency through the Regulatory Applications Hub. If you have any issues submitting your application form, contact us for guidance (see [7. Contacting us](#)).

An application form is on our [website](#).



### 3.4 Authorisation process

There are four steps in the authorisation process:

Steps in the authorisation process:	
1. Regulatory Applications Hub	<p>You create an account in the Regulatory Applications Hub (if you don't already have an account).</p> <p>You initiate a New Application in the Regulatory Applications Hub. You will be asked to provide some details about yourself, your organisation and the type of permit, licence or authorisation you are wanting to apply for.</p> <p>You can then add your application form, and any other documents you choose to provide at this time, to your corresponding application in the Regulatory Applications Hub.</p>
2. Acceptance of complete application	<p>We first confirm that your application contains sufficient information and evidence against each of the requirements in the Act and the General Rules for an overseas payload return authorisation (see <a href="#">4. Application requirements</a>).</p> <p>If your application is considered complete, we will accept the application and commence assessment.</p> <p>A complete application is one that contains sufficient information about the following:</p> <ul style="list-style-type: none"><li>• the applicant</li><li>• organisational structure and personnel</li><li>• information about the return of the space object</li><li>• return safety</li><li>• contract details</li></ul> <p>If we consider your application incomplete, we will notify you and provide you with feedback. We approach this as an iterative process and understand there may be several iterations until an application is considered complete.</p> <p>In limited circumstances we may accept copies of relevant contracts after you have submitted your application, within an agreed timeframe.</p> <p>You may also provide information updates up until a decision is made.</p>
3. Assessment	<p>We conduct an assessment of your application against the criteria (see <a href="#">2.3 Criteria for granting an overseas payload return authorisation</a>) to ensure that all arrangements to be put in place are adequate, relevant, and appropriate for the proposed return of your space object overseas.</p> <p>We may request further information or clarification to support our assessment.</p> <p>We then make a recommendation to the Minister.</p>

## Steps in the authorisation process:

### 4. Decision

The Minister decides whether to grant an overseas payload return authorisation, considering advice from the Agency.

The Minister, through the Agency, may request further information or clarification to support their decision.

## 3.5 Timing for assessment and decision

We aim to assess and obtain a Ministerial decision for an overseas payload return authorisation within 3 months from acceptance of a complete application.

A 'stop-clock' principle applies to the assessment. If while assessing we find key information is missing or inaccurate, or is not at an appropriate level of detail, we will pause the assessment period and recommence on the day that necessary information is provided. We will also pause assessment if we have agreed to receive copies of relevant contracts within a certain timeframe and that timeframe has not been met.

**Example:** We have completed 15 days of the three-month assessment period and determine that some information is not at an appropriate level of detail to allow assessment. We stop the clock and request the required information. We restart the clock as 'day 16' on the receipt of requested information.

## 4. Application requirements

We ask you for information about:

- you
- your organisation including capability, structure and key personnel
- the return of the space object
- return safety
- contracts

### 4.1 Information about the applicant

#### **General Rules, section 111**

You must provide the following information:

- applicant name
- name, position and contact details of an individual who will act as the primary contact for the application
- Australian Business Number (ABN), if any
- Australian Company Number (ACN), if you are applying as a company registered under the *Corporations Act 2001*
- information about which persons or entities have ownership, control, or direction of the applicant, including the nationality of those persons or entities

### 4.2 Organisational structure and personnel

#### **General Rules, section 112**

You must provide the following information about your organisation:

- a description of organisational structure, including chain of command
- duties and responsibilities of each position in the chain of command

For each of the following individuals:

- your chief executive officer or equivalent
- those who would have authority to direct the conduct of a return
- those who would have authority or oversight in relation to retrieval of the space object that is to be returned as a payload

You must provide the following information:

- name, date of birth and place of birth
- address of usual place of residence
- relevant qualifications and experience
- how long the individual has occupied their current position

### 4.3 Information about return of a space object

#### **General Rules, section 113**

You must provide the following information about each space object (to be carried as payload) to be returned:

- a description of the space object and the purpose for which it was launched
- an explanation as to why the space object is to be returned
- the proposed return place or area
- the return period and return window
- the proposed return vehicle

- if known, information on the predicted trajectory of the return vehicle or of parts of the return vehicle, including parts of the return vehicle expected to burn up on re-entry

#### **4.4 Return safety**

##### ***General Rules, section 114***

You must provide the following information about return safety:

- the safety requirements that will apply to each proposed return in the country where the return will take place
- the returns or attempted returns in the past 5 years conducted by the person or organisation that would be responsible for conducting each proposed return, using the kind of return vehicle proposed to be used

#### **4.5 Contracts**

##### ***General Rules, section 115***

You must provide copies of any contracts entered, and information on any contracts that you propose to enter, for the purposes of the return or returns. This includes, but is not limited to:

- contracts for the use or lease of facilities
- contracts for others to conduct the return or undertake activities connected with the return
- contracts for dealing with the space object after it is returned

In limited circumstances we may accept copies of relevant contracts after you have submitted your application, within an agreed timeframe.

#### **4.6 Additional information**

##### ***General Rules, section 116***

You may include any other information relevant to demonstrating whether the criteria in the Act for granting an overseas payload return authorisation are met (See [2.3 Criteria for granting return authorisation](#)). Examples may include:

- any foreign regulatory approvals that you have sought for the activity
- any foreign regulatory approvals that another related party to the activity has sought for the activity

## 5. If you are granted an authorisation

### 5.1 Keeping us informed

When you have been granted an overseas payload return authorisation, you must notify us in writing if there are any changes to the information submitted in your application. Depending on the circumstances, your overseas payload return authorisation may need to be varied, transferred, suspended or revoked.

### 5.2 Varying, suspending or revoking an authorisation

You may apply to the Minister to vary the place or area of return specified in your authorisation or the conditions of your authorisation. Your application must include a description of the variation and the reason for your request. An application may include any supporting material you believe will assist the Minister in deciding.

The Minister may also vary, suspend or revoke an overseas payload return authorisation on their own initiative. If the Minister believes there are grounds to do this, they must:

- give you written notice of their opinion specifying the reasons for that opinion
- invite you to make a written submission about the matter within a reasonable period specified in the notice.

In deciding whether to vary, suspend or revoke the authorisation, the Minister must consider your written submission, provided you respond within the reasonable time period specified in the notice.

The Minister may suspend your overseas payload return authorisation:

- if you have contravened an authorisation condition
- if for reasons relevant to the security, defence or international relations of Australia, the authorisation should be suspended
- if an incident involving a space object covered by the authorisation occurs during the liability period for the return of the object

## 6. How we use your information

### 6.1 Confidential information

We collect information:

- to assess applications to conduct space activities
- to monitor a permit, licence or authorisation holder's compliance with their obligations under the Act, the relevant rules and the conditions of their permit, licence or certificate
- to facilitate the registration of space objects

We will treat the information you give us as confidential if it meets all the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential at the time you provide the information
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential

Unless the information you provide to us is identified as confidential information, we may share your information with other government agencies or third parties for a relevant Commonwealth purpose such as:

- the administration and assessment of your application
- to ascertain if there is any reason why a licence, permit or authorisation should not be granted
- to third parties for the purposes of conducting a technical review of your application, under a deed of confidentiality

We may disclose confidential information:

- to our Commonwealth employees and contractors, to help us to assess your application,
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Assistant Minister
- the Prime Minister
- to a House or a Committee of the Australian Parliament

We may also disclose confidential information if:

- we are required or authorised by law to disclose it
- you agree to the information being disclosed
- someone other than us has made the confidential information public

### 6.2 Personal information

We must treat your personal information according to the [Australian Privacy Principles](#) (APPs) and the [Privacy Act 1988](#) (Cth). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information

You can read the [Privacy Policy](#) on the Department's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information

### 6.3 Freedom of information

All documents in the possession of the Australian Government are subject to the [\*Freedom of Information Act 1982\*](#) (Cth) (FOI Act). The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

## 7. Contacting us

We encourage you to contact us early in planning for any space activity that requires authorisation under the Act. Early engagement may help to resolve questions specific to your activity.

Email [regulation@space.gov.au](mailto:regulation@space.gov.au)  
Phone 1800 487 182 (within Australia)  
+61 2 6276 1166 (outside Australia)  
Head office: Lot 14, McEwin Building, North Terrace, Adelaide, SA 5000  
Post: Office of the Space Regulator  
Australian Space Agency  
GPO Box 2013  
Canberra ACT 2601



## 8. Glossary

The following are terms used in these Guidelines with a particular meaning, generally defined in the Act or the General Rules where indicated.

Term	Definition
Act	The <a href="#">Space (Launches and Returns) Act 2018</a> .
Australian national	The meaning is defined in the <a href="#">Space (Launches and Returns) Act 2018</a> : <ul style="list-style-type: none"> <li>• an Australian citizen; or</li> <li>• an Australian resident; or</li> <li>• a body incorporated by or under a law of the Commonwealth, of a State or of a Territory; or</li> <li>• the Commonwealth, a State or a Territory.</li> </ul>
Australian resident	The meaning is defined in the <a href="#">Space (Launches and Returns) Act 2018</a> : An individual who resides in Australia and is the holder (within the meaning of the <a href="#">Migration Act 1958</a> ) of a permanent visa (within the meaning of that Act)
Australian Space Agency	A separately branded division of the Department. The Agency, through the Office of the Space Regulator, is responsible for administering the Act, General Rules and related framework.
Department	The Department of Industry, Science and Resources.
General Rules	The <a href="#">Space (Launches and Returns) (General) Rules 2019</a>
High Power Rocket Rules	The <a href="#">Space (Launches and Returns) (High Power Rocket) Rules 2019</a>
Insurance Rules	The <a href="#">Space (Launches and Returns) (Insurance) Rules 2019</a>
Minister	Means the Commonwealth Minister responsible for the <a href="#">Space (Launches and Returns) Act 2018</a> .
Overseas payload return application	The meaning is defined in the <a href="#">Space (Launches and Returns) Act 2018</a> : An application for a return authorisation where each return to be authorised meets the following criteria: <ul style="list-style-type: none"> <li>• the return is to a place or area outside Australia</li> <li>• the space object to be returned will be carried as a payload by another space object that does not require a return authorisation</li> </ul>
Payload	Payload commonly refers to any object that goes over or returns from over 100km, excluding the launch vehicle. For example, it can refer to an entire satellite, a satellite bus, or anything the bus carries. It also captures any object that the launch or return vehicle carries, but which may not leave the vehicle.
Penalty unit	A standard amount of money used to compute penalties for breaches of law. For offences committed from 1 January 2023, the Commonwealth penalty unit is \$275. Penalty units are automatically indexed on 1 July every three years in line with the All Groups Consumer Price Index (CPI).

Term	Definition
Personal information	<p>Has the same meaning as in the <a href="#">Privacy Act 1988</a> (Cth):</p> <p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> <li>• whether the information or opinion is true or not; and</li> <li>• whether the information or opinion is recorded in a material form or not</li> </ul>
Space object	<p>The meaning is defined in the <a href="#">Space (Launches and Returns) Act 2018</a>:</p> <ul style="list-style-type: none"> <li>• an object the whole or a part of which is to go into or come back from an area beyond the distance of 100km above mean sea level; or</li> <li>• any part of such an object, even if the part is to go only some of the way towards or back from an area beyond the distance of 100km above mean sea level</li> </ul>
Standard return application	<p>The meaning is defined in the <a href="#">Space (Launches and Returns) Act 2018</a>:</p> <p>An application for a return authorisation other than an overseas payload return application.</p>
United Nations space treaties	<p>The meaning is defined in the <a href="#">Space (Launches and Returns) Act 2018</a>:</p> <p>The United Nations space treaties means the following:</p> <ul style="list-style-type: none"> <li>• the <a href="#">Liability Convention</a></li> <li>• the <a href="#">Registration Convention</a></li> <li>• the <a href="#">Outer Space Treaty</a></li> <li>• the <a href="#">Moon and other Celestial Bodies Agreement</a>, and</li> <li>• the <a href="#">Astronauts and Objects Agreement</a>.</li> </ul>