

# EXPOSURE DRAFT



EXPOSURE DRAFT (24/02/2021)

## Space (Launches and Returns) (Insurance) Amendment (Fees) Rules 2021

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I, Karen Andrews, Minister for Industry, Science and Technology, make the following rules.

Dated 2021

Karen Andrews [**DRAFT ONLY—NOT FOR SIGNATURE**]  
Minister for Industry, Science and Technology

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## 1 Name

This instrument is the *Space (Launches and Returns) (Insurance) Amendment (Fees) Rules 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2021.	1 July 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Space (Launches and Returns) Act 2018*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### Part 1—Main amendments

#### *Space (Launches and Returns) (Insurance) Rules 2019*

##### 1 Section 1

Repeal the section, substitute:

##### 1 Name

This instrument is the *Space (Launches and Returns) (Insurance and Fees) Rules 2019*.

##### 2 Section 4

Insert:

*overseas payload return application* has the same meaning as in the *Space (Launches and Returns) (General) Rules 2019*.

*standard return application* has the same meaning as in the *Space (Launches and Returns) (General) Rules 2019*.

##### 3 After Part 2

Insert:

### Part 2A—Fees

#### Division 1—Amounts of fees

##### 7A Fees

For the purposes of section 59 of the Act, the fee for an application mentioned in subsection 59(1) of the Act is the sum of:

- (a) the fixed component of the fee for the application under section 7B of this instrument; and
- (b) the expert advice component (if any) of the fee for the application under section 7C of this instrument.

##### 7B Amounts of fixed components of fees

The fixed component of a fee for an application mentioned in column 1 of an item in the following table is the amount mentioned in column 2 of the item.

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Fixed components		
Item	Column 1	Column 2
	Application	Amount (\$)
1	Application for a launch facility licence or for a transfer or variation of such a licence	0

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Amendments **Schedule 1**  
Main amendments **Part 1**

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<b>Fixed components</b>		
<b>Item</b>	<b>Column 1 Application</b>	<b>Column 2 Amount (\$)</b>
2	Application for an Australian launch permit or for a transfer or variation of such a permit	0
3	Application for an Australian high power rocket permit or for a transfer or variation of such a permit	0
4	Application for an overseas payload permit or for a transfer or variation of such a permit	0
5	Overseas payload return application, or application for a variation of a return authorisation given following the making of an overseas payload return application	0
6	Standard return application, or application for a variation of a return authorisation given following the making of a standard return application	0
7	Application for an authorisation certificate	0

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## 7C Amounts of expert advice components of fees

If the Minister requires expert advice in considering an application, the expert advice component of the fee for the application is worked out by multiplying \$2,280 by the number of days spent by the expert in providing the advice.

## Division 2—Time for payment of fees, and refunds—general

### 7D Purpose of Division

- (1) For the purposes of subsection 59(4) of the Act, this Division sets out when the fees for the following applications are due for payment:
  - (a) an application for a transfer or variation of a launch facility licence;
  - (b) an application mentioned in any of paragraphs 59(1)(b) to (f) of the Act.
- (2) This Division also deals with refunds of overpaid amounts of the expert advice components of fees for applications mentioned in subsection (1).

### 7E Time for payment of expert advice components of fees

- (1) The expert advice component of the fee for an application (if any) is due for payment in accordance with this section.

*Estimated amount of expert advice component*

- (2) The Minister must give the applicant a written notice specifying the amount (the **estimated amount**) that would, in the opinion of the Minister, be the amount of the expert advice component of the fee, worked out in accordance with section 7C, if the advice had been provided.
- (3) The estimated amount is due for payment within 30 days after the day the Minister gives the applicant the notice.

*If expert advice component is likely to be greater than estimate*

- (4) If the Minister becomes aware that the actual amount of the expert advice component of the fee is likely to be greater than the estimated amount, the Minister must give the applicant a written notice specifying an updated estimated amount.

*If expert advice component is greater than estimate*

- (5) If the actual amount of the expert advice component of the fee is greater than the estimated amount, the Minister must give the applicant a written notice specifying the amount (the **additional amount**) equal to the difference between the actual amount and the estimated amount.
- (6) The additional amount is due for payment within 30 days after the day the Minister gives the applicant the notice.

## **7F Refunds if expert advice components of fees are less than estimated amounts**

If the actual amount of the expert advice component of the fee for an application is less than the estimated amount of the expert advice component of the fee for the application under subsection 7E(2), the Commonwealth must refund to the applicant an amount equal to the difference between the actual amount and the estimated amount.

Note: For the appropriation for the refund, see section 77 of the *Public Governance, Performance and Accountability Act 2013*.

## **Division 3—Time for payment of fees, and refunds—launch facility licences**

### **7G Purpose of Division**

- (1) For the purposes of subsections 59(4) and (5) of the Act, this Division sets out when the fee for an application for a launch facility licence is due for payment.
- (2) This Division also deals with refunds of overpaid amounts of instalments of the expert advice component of the fee for an application for a launch facility licence.

### **7H Time for payment of expert advice component of fee—instalments for stages of application**

- (1) The expert advice component (if any) of the fee is due for payment by instalments in accordance with this section.
- (2) An instalment of the expert advice component of the fee relates to the expert advice (if any) that the Minister requires in considering the documents lodged for a stage of the application as mentioned in Subdivisions B, C and D of Division 3 of Part 2 of the *Space (Launches and Returns) (General) Rules 2019*.

*Estimated amount of instalment*

- (3) As soon as practicable after documents are lodged for a stage of the application, the Minister must give the applicant a written notice specifying the amount (the



*estimated amount*) that would, in the opinion of the Minister, be the amount of the instalment for the stage of the application, worked out in accordance with section 7C, if the expert advice for the stage of the application had been provided.

- (4) The estimated amount of an instalment for a stage of the application is due for payment within 30 days after the day the Minister gives the applicant the notice.

*If instalment is likely to be greater than estimate*

- (5) If the Minister becomes aware that the actual amount of the instalment for a stage of the application is likely to be greater than the estimated amount, the Minister must give the applicant a written notice specifying an updated estimated amount.

*If instalment is greater than estimate*

- (6) If the actual amount of the instalment for a stage of the application is greater than the estimated amount, the Minister must give the applicant a written notice specifying the amount (the *additional amount*) equal to the difference between the actual amount and the estimated amount.
- (7) The additional amount is due for payment within 30 days after the day the Minister gives the applicant the notice.

## 7J Refunds if instalments are less than estimated amounts

If the actual amount of the instalment for a stage of an application for a launch facility licence is less than the estimated amount of the instalment for the stage of the application under subsection 7H(3), the Commonwealth must refund to the applicant the difference between the actual amount and the estimated amount.

Note: For the appropriation for the refund, see section 77 of the *Public Governance, Performance and Accountability Act 2013*.

## Division 4—Waiver of fees

### 7K Waiver of fees

- (1) For the purposes of subsection 59(6) of the Act, this section prescribes the circumstances in which the Minister may wholly or partly waive a fee that would otherwise be payable under section 59 of the Act.
- (2) A person making an application mentioned in subsection 59(1) of the Act (the *relevant application*) may apply to the Minister for the fee for the relevant application to be wholly or partly waived.
- (3) The application for waiver of the fee must:
  - (a) be made at the same time as the relevant application is made; and
  - (b) be in writing; and
  - (c) include:
    - (i) the reasons why, having regard to the matters mentioned in subsection (4), the applicant considers that the fee should be wholly or partly waived; and

- (ii) evidence supporting the reasons.
- (4) For the purposes of subparagraph (3)(c)(i), the matters are as follows:
  - (a) the nature and purpose of the activity to which the relevant application relates;
  - (b) how the activity to which the relevant application relates demonstrates innovation or entrepreneurship in the space industry.
- (5) If a person applies in accordance with subsections (2) and (3), the Minister must:
  - (a) wholly waive the fee; or
  - (b) partly waive the fee; or
  - (c) refuse to wholly or partly waive the fee.
- (6) The Minister may wholly or partly waive the fee if the Minister is reasonably satisfied that, having regard to the matters mentioned in subsection (4), it is appropriate to wholly or partly waive the fee.
- (7) The Minister must give the applicant written notice of the Minister's decision. If the decision is to refuse to waive the fee to the extent applied for, the notice must include the reasons for the decision.
- (8) Applications may be made to the Administrative Appeals Tribunal for review of decisions by the Minister under this section.

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Amendments **Schedule 1**  
Consequential amendments **Part 2**

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## **Part 2—Consequential amendments**

### ***Space (Launches and Returns) (General) Rules 2019***

#### **4 Section 57 (note 3)**

Omit “(Insurance)”, substitute “(Insurance and Fees)”.

#### **5 Section 103 (note 3)**

Omit “(Insurance)”, substitute “(Insurance and Fees)”.

### ***Space (Launches and Returns) (High Power Rocket) Rules 2019***

#### **6 Section 30 (note 3)**

Omit “(Insurance)”, substitute “(Insurance and Fees)”.