

Stage 1 consultation summary

The Australian Space Agency sought feedback on proposed changes to the *Space (Launches and Returns) (General) Rules 2019* and *Space (Launches and Returns) (High Power Rocket) Rules 2019* between 1 April and 7 May 2022.

We proposed changes to remove requirements that:

- a suitably qualified expert (SQE) or person with suitable qualifications and experience must not be a related party of a licence applicant; and
- a person with suitable qualifications and experience must be independent of a licence applicant.

We received a total of 28 responses during the consultation period.

Click on the links below to see a summary of what we heard for each consultation topic:

[Suitably qualified experts](#)

- For a risk hazard analysis, flight safety plan or return safety plan for an Australian launch permit, return authorisation or Australian high power rocket permit.

[Cybersecurity approvals](#)

- For a cybersecurity strategy for a launch facility licence, Australian launch permit, return authorisation or Australian high power rocket permit.

[Environmental approvals](#)

- For an environmental plan for a launch facility licence.

Other considerations for the proposed changes

We also asked respondents whether, taking into account the objects of the Act, there were any other considerations in relation to the proposed changes that the Agency should be aware of.

We received feedback on a wide range of issues. The Agency intends to release guidance material on the requirements for SQEs and persons with suitable qualifications and experience, in response to industry concerns.

Next steps

The Australian Space Agency will consider all inputs, including feedback provided in this consultation, and will give advice to the Minister for Industry and Science. The Minister may make rules under s 110 of the *Space (Launches and Returns) Act 2018*.

Suitably qualified experts

We consulted on the current requirement that SQEs must not be a related party of the applicant. SQEs will continue to conduct the risk hazard analysis and confirm the flight safety plan or return safety plan.

While most respondents were in favour of removing the requirements, some submissions supported their retention.

Examples of submissions we received that supported removing the requirements were:

- Related parties of an applicant (either their internal staff or contractors) have experience and expertise in relation to their launch vehicles or the launch facility. In most instances, these individuals would be best placed to understand the risks involved in a launch or return activity, without impacting safety outcomes.
- Requiring analysis or confirmation from an unrelated third party increases the time taken to develop an application and have it assessed by the Agency, also increasing the cost on the applicant.
- Only the Agency, or contracted experts working on behalf of the Agency, should be responsible for assessing application material. There should be no need for an independent third party to also make an assessment of that material.
- The Australian launch industry is too small to find SQEs that are not a related party of the applicant.
- There are sensitivities around the requirement to provide commercial or confidential information to third parties, or increased liability requirements as result of needing to incorporate a third party into the launch or return activity.
- The purpose of the 'not a related party' requirements is unclear, or does not align with objects of the *Space (Launches and Returns) Act 2018*.
- The lack of equivalent requirements in other commercial launch jurisdictions, for example New Zealand or the USA, encourages foreign and domestic launch operators to take their business elsewhere than Australia.

Examples of submissions we received that supported retaining the requirements were:

- Requiring an unrelated third party to conduct the risk hazard assessment and review the flight or return safety plan is necessary to ensure public safety, and improves safety outcomes for the applicant and the public.
- Use of an unrelated SQE ensures that the material provided in the application is not affected by bias, especially in cases where the SQE conducting the analysis or review may be pressured to approve the applicant's proposal or reach a specific outcome for financial or operational reasons.
- Removal of the requirement will impact businesses who have invested resources into providing SQE capabilities on a commercial basis.

Consequences of removing the 'not a related party' requirements for SQEs

Generally, respondents agreed that removing the 'not a related party' requirements should not result in an overall lowering of safety standards for launch and return activities.

Respondents generally agreed that, if the requirement is removed, applicants will need to demonstrate that related-party SQEs have sufficient independence from the operation and clear approval and assurance processes.

A number of submissions requested that the Agency develop guidance material to support these principles and provide SQEs with guidance on the requirements for approval.

Cybersecurity approvals

We consulted on the requirement for a cybersecurity strategy to be assessed by a person with suitable qualifications and experience who is not a related party of the applicant (or for a launch facility licence, an 'independent person').

Examples of submissions we received that supported removing the requirements were:

- The organisation responsible for the launch or launch facility will have expertise and familiarity with the cybersecurity technologies, systems and processes in place.
- Requiring assessment from an unrelated third party increases the time taken to develop an application and have it assessed by the Agency, also increasing the cost on the applicant.
- Only the Agency, or contracted experts working on behalf of the Agency, should be responsible for assessing application material. There should be no need for an independent third party to also make an assessment of that material.
- There are sensitivities around the requirement to provide commercial or confidential information to third parties.

Examples of submissions we received that supported retaining the requirements were:

- Requiring an unrelated third party to conduct an assessment of the adequacy of the cybersecurity strategy is necessary to ensure public safety, and improves safety outcomes for the applicant and the public.
- Use of an unrelated third party ensures that the material provided in the application is not affected by bias.

Environmental approvals

We consulted on the requirement for an environmental plan to be assessed by a person with suitable qualifications and experience who is not a related party of the applicant.

Examples of submissions we received that supported removing the requirements were:

- There is no ability for a launch facility operator to assess its own environmental plan, irrespective of whether it has suitable qualifications and experience to do so.
- Requiring assessment from an unrelated third party increases the time taken to develop an application and have it assessed by the Agency, also increasing the cost on the applicant.
- Only the Agency, or contracted experts working on behalf of the Agency, should be responsible for assessing application material. There should be no need for an independent third party to also make an assessment of that material.
- The lack of equivalent requirements in other commercial launch jurisdictions encourages foreign and domestic launch operators to take their business elsewhere than Australia.

Examples of submissions we received that supported retaining the requirement were:

- Requiring an unrelated third party to conduct an assessment of the adequacy of the environmental plan is necessary and will improve outcomes for the applicant and the community.
- Use of an unrelated third party ensures that the material provided in the application is not affected by bias.