



Australian Government



Australian
Space Agency

Overseas Payload Permit

Application Guidelines

space.gov.au



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Disclaimer

These guidelines explain the application and assessment process for an overseas payload permit.

The guidelines should be read in conjunction with the *Space (Launches and Returns) Act 2018* (the Act), the *Space (Launches and Returns)(General) Rules 2019* (the General Rules) and the *Space (Launches and Returns)(Insurance) Rules 2019* (the Insurance Rules). Guidelines do not exclude, limit or replace the requirements of the Act, General Rules or Insurance Rules. If there is any ambiguity or inconsistency, the Act, General Rules or Insurance Rules have precedence over guidelines.

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 particular circumstances.

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1. Introduction

1.1 *Space (Launches and Returns) Act 2018*

The [*Space \(Launches and Returns\) Act 2018*](#) (the Act) sets out a regime for the regulation of civil space-related activities carried out either from or to Australia or by Australian nationals overseas. The Act includes 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; and
- 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 obligations under the United Nations space treaties.

Under the Act, an overseas payload permit is required for an Australian national to launch a space object from a facility or place outside Australia.

Additional requirements for overseas payload permits are in the following legislation subordinate to the Act:

- the [*Space \(Launches and Returns\) \(General\) Rules 2019*](#) (the General Rules), which provide further detail about licenses, permits and authorisations under the Act, including material to be submitted in an application; and
- the [*Space \(Launches and Returns\) \(Insurance\) Rules 2019*](#) (the Insurance Rules), which provide detail relating to insurance and financial requirements applicable to approval types.

1.2 About these guidelines

These guidelines explain the application and assessment process for an overseas payload permit.

These guidelines should be read in conjunction with the Act, the General Rules and the Insurance Rules. Guidelines do not exclude, limit or replace the requirements of the Act, General Rules or Insurance Rules. If there is any ambiguity or inconsistency, the Act, General Rules or Insurance Rules have precedence over guidelines.

1.3 Role of the Applicant

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

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, associated Rules and publishes information to assist applicants navigate application and assessment processes for their activities.

1.5 Role of the Minister

The Minister (or their delegate) makes the decision whether to grant an overseas payload permit, taking into account advice from the Agency and only if they are satisfied that an application meets certain criteria (see [2.4 Criteria for granting an overseas payload permit](#)).

2. Overseas payload permit overview

2.1 Who should apply?

A launch of a space object from a facility or place outside Australia by an Australian national requires an overseas payload permit or an authorisation certificate (see [7. Glossary](#)).

NOTE: A return of a space object requires a separate return authorisation or an authorisation certificate. If your space object is intended to be returned (whether overseas or to Australia) contact us for additional guidance.

If you have any questions about whether you need an overseas payload permit or return authorisation you can contact us (see [6. Contacting the Office of the Space Regulator](#)).

2.2 What is the purpose of an overseas payload permit?

Overseas payload permits ensure that a space object or objects launched outside of Australia by an Australian national are assessed as safe with minimal risk to persons or property or to the security, defence or international relations of Australia. Overseas payload permits also ensure that Australia, as a launching state and responsible party, meet its obligations under various international obligations and United Nations space treaties.

2.3 What does an overseas payload permit authorise?

An overseas payload permit may authorise the launch of one or more space objects, or a particular series of launches of space objects appropriate to authorise by a single permit.

Examples:

- **an Australian company owns a satellite to be launched outside Australia** - the company would need an overseas payload permit, even if its satellite only formed part of the payload
- **an individual Australian citizen 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 payload permit
- **an Australian company owns a number of satellites that will be launched across a series of launches** - a single overseas payload permit may be appropriate

2.4 Criteria for granting an overseas payload permit

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

- there is sufficiently low probability that the launch or launches will cause substantial harm to public health or public safety or cause substantial damage to property, and
- there are no reasons relevant to the security, defence or international relations of Australia that the permit should not be granted, and
- any part of the space object or objects concerned that is owned by the applicant (or the whole object if the applicant owns the whole object) is not and does not contain a nuclear weapon or weapon of mass destruction of any other kind, and
- any part of the space object or objects concerned that is owned by the applicant (or the whole object if the applicant owns the whole object) does not contain a nuclear power source, unless the Minister has previously provided written approval.

NOTE: The Act also includes a criterion that the Minister must be satisfied that insurance and financial requirements have been satisfied for each launch under the permit. The specified minimum amount of insurance (set out in the Insurance Rules) is \$0.

2.5 Permit conditions

Your permit will likely include conditions relating to the following:

- period in which your launch must be completed
- requirements to provide relevant information, including but not limited to:
 - any changes to organisational structure or duties of functions of individuals named in your application
 - orbital parameters of the space object
 - any change of ownership of the space object
 - any accident or incident involving the space object
 - communication with the space object
 - when any end of mission manoeuvres are commenced, and when the space object de-orbits
- an obligation to act in accordance with the laws of the nation state where the launch facility is located

There may be additional conditions relevant to the circumstances. Penalties may be imposed if you do not comply with the conditions of your permit (see *2.6 Offences and civil penalties*).

2.6 Offences and civil penalties

You commit an offence if you are an Australian national and:

- a space object is launched from a fixed or mobile facility or place outside Australia, and
- you are a responsible party for the launch, and
- the launch is not authorised by an overseas payload permit held by any person, and
- no authorisation certificate covering the launch is held by any person.

The maximum penalty for this offence is:

- for an individual - imprisonment for 10 years or a fine of 5,500 penalty units or both
- for a body corporate - a fine of 100,000 penalty units

These matters are outlined in section 14 of the Act.

The penalty for breaching a condition of an overseas payload permit is 1,000 penalty units. This matter is outlined in section 46D of the Act.

3. Application and assessment process

3.1 Preparing an application

Before applying you should read and understand these guidelines.

To apply you should:

- complete and submit an application on the form
- provide supporting materials

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 against the requirements in the Rules and Act 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 a permit.

NOTE: There are other authorisations you may need in order to launch and manage a space object outside Australia, including but not limited to licences for communication with the satellite or payload (see [Australian Communications and Media Authority – Radiocommunications licenses](#)) and export licences for relevant technology (see [Defence Export Controls](#)). We recommend you initiate discussion with the appropriate authority early to understand the requirements and timeframes.

3.2 Application fees

There are no fees for applications under the *Space (Launches and Returns) Act 2018*.

3.3 Submitting an application

To obtain an overseas payload permit you apply directly to the Office of the Space Regulator.

You may submit your application by email to regulation@space.gov.au. If you have any issues submitting your application by email, contact us for guidance (see [6. Contacting the Office of the Space Regulator](#)).

An application form can be found on our website.

3.4 Application process

There are three steps in the application process:

<p>1. Application submission and acceptance</p>	<p>We first check that your application contains sufficient information and evidence against each of the requirements in the Act and the General Rules for an overseas payload permit (see 4. Application requirements).</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"> • the applicant • organisational structure and personnel • the launch (noting that options for the proposed launch facility and vehicle may be provided and later confirmed) • the payload • launch safety • debris mitigation strategy and orbital debris assessment • signed declaration and undertaking in relation to the payload (See 4.4 Information about payload) • contract details <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 a signed declaration and undertaking or copies of relevant contracts after you have submitted your application, within an agreed timeframe.</p> <p>You may also provide information updates.</p>
<p>2. Assessment</p>	<p>We conduct an assessment of your application against the criteria (see 2.3 Criteria for granting an overseas payload permit) to ensure that all arrangements to be put in place are adequate, relevant, and appropriate for the proposed launch of your payload or payloads.</p> <p>We may request further information or clarification to support our assessment.</p> <p>We then make a recommendation to the Minister (or delegate).</p>
<p>3. Ministerial consideration and decision</p>	<p>The Minister (or delegate) makes the decision on whether an overseas payload permit should be granted, taking into account advice from the Agency.</p> <p>You should note that section 60 of the Act provides the Minister discretion to seek further information from applicants and overseas payload permit holders.</p>

3.5 Application timeframes

We aim to issue overseas payload permits within 3 months from acceptance of a complete application.

A ‘stop-clock’ principle applies to the assessment. If in the course of 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 a signed declaration or undertaking, or copies of relevant contracts, within a certain timeframe and that timeframe has not been met.

It is important to be aware that your launch provider may require you to have all necessary approvals in place prior to handover or integration of your payload, and you should commence the application process with this in mind.

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.

3.6 Keeping us informed

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

When you have been granted a permit, 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 permit may need to be varied, transferred, suspended or revoked.

3.7 Overseas payload permit variations

You may apply for a variation to an overseas payload permit, including:

- varying the launch facility or place, the launch vehicle or conditions of the permit
- extending the period of the permit

When applying for a variation you should include a description and reason for the variation, and any supporting material you believe will assist the Minister in making a decision.

The Minister may also vary, revoke or transfer your overseas payload permit on their own initiative. If the Minister considers there may be grounds to do this, they must:

- give you written notice of the Minister's opinion specifying the reasons for that opinion, and
- invite you to make a written submission to the Minister about the matter within a reasonable period specified in the notice

In deciding whether to vary, revoke or transfer the permit, the Minister must consider your written submission.

The Minister may suspend your permit:

- if you have contravened a permit condition
- if insurance and financial requirements are not considered to be satisfied
- if for reasons relevant to the security, defence or international relations of Australia, the permit should be suspended

3.8 Transferring an overseas payload permit

Your overseas payload permit may be transferred on application by the transferee. The transfer application must include all material required for an overseas payload permit application. This may be information or materials included in your original application if that information or material is still correct.

The requirement to provide a debris mitigation strategy may be met by the transferee providing a copy of your strategy, along with a statement that the launch will be conducted with the same strategy.

4. Application requirements

We ask you for information about:

- you, your company, and which persons or entities have ownership, control or direction of you
- your organisational structure and personnel
- the launch, payload and launch safety
- your debris mitigation strategy
- contracts

This is from sections 74 to 81 of the General Rules.

4.1 Information about the applicant

General Rules, section 74

You must provide the following information:

- applicant name
- name, position and contact details of an individual who will act as the 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 75

You must provide the following information about the organisation applying:

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

And for each of the following individuals:

- your chief executive officer or equivalent
- each individual in a position within your organisational structure that has or would have authority or oversight in relation to building a payload proposed to be launched or integrating it with a launch vehicle
- each individual in a position within your organisational structure that would have authority or oversight in relation to communicating with a payload after it is launched

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 launch

General Rules, section 76

You must provide the following information for each launch:

- description of the purpose of the launch

- the facility or place from which the launch is proposed to be conducted, including the latitude, longitude and elevation of the launch
- proposed launch vehicle
- launch period and launch window

If the information for the launch period and launch window is not available, and your application relates to a series of launches, you may instead include:

- a period during which the series is proposed to occur
- the estimated launch period and launch window for each launch

4.4 Information about payload

General Rules, section 77

You must provide the following information in relation to each payload:

- payload description and purpose
- manufacturer of each payload subsystem and country of manufacture

Subsystem	Component	Manufacturer	Country of Manufacture

- proposed trajectory and (if applicable) orbit of the payload
- whether the payload is intended to return from Space, and if so:
 - approximate timing of the return
 - intended location of the return
 - description of the intended return process
- information required for the registration of the payload under paragraph 1 of Article IV of the [Registration Convention](#) including:
 - name of launching State or States
 - an appropriate designator of the space object or its registration number
 - date and territory or location of launch
 - basic orbital parameters, including:
 - nodal period
 - inclination
 - apogee
 - perigee
 - general function of the space object

The application must include:

- a declaration that any part of the payload in which you have an ownership interest, (or the whole payload if you have an ownership interest in the whole payload) is not and does not contain a nuclear weapon or a weapon of mass destruction
- an undertaking that you will:
 - not operate the payload in a manner that causes Australia to be liable for any damage under the [Liability Convention](#)
 - not operate the payload in a manner that you know, or ought reasonably to have known, will negatively affect national security

If the payload contains a nuclear power source, the Minister's approval should be sought. If the Minister's written approval has been obtained, the application must include a copy of the approval.

NOTE: A return of a space object requires a separate return authorisation or an authorisation certificate. If your space object is intended to be returned (whether overseas or to Australia) contact us for additional guidance.

4.5 Launch safety

General Rules, section 78

You must provide the following information:

- safety requirements that will apply to each proposed launch in the country where the launch is to take place (for example, information about the relevant regulations that apply to the launch and the status of any associated licenses or permits)
- all publically available information about launches or attempted launches in the past five years at the facility or place from which the launch is proposed using the kind of launch vehicle proposed to be used

NOTE: the Rules state that if the launch is proposed to be conducted at a launch facility on the standard launch facility list published by the Department, you do not need to provide this information. There is currently not a published launch facility list.

4.6 Debris mitigation strategy

General Rules, section 79

You must provide the following:

- a debris mitigation strategy (based on an internationally recognised guideline or standard for debris mitigation, which you identify), including:
 - any mitigation measures planned for orbital debris arising from the proposed launch or launches (including from payloads)
 - an orbital debris assessment

Examples of an internationally recognised guideline or standard include, but are not limited to:

- the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space
- the Inter-Agency Space Debris Coordination Committee's Space Debris Mitigation Guidelines.

These guidelines identify a number of measures:

- limiting the release of debris during normal operations
- avoiding intentional destruction and other harmful activities
- limiting the long-term presence of spacecraft and launch vehicle orbital stages in the low Earth orbit region after mission end

Examples of appropriate mitigation measures for potential orbital debris from your proposed launch, including from payloads, include measures to address the following:

- how debris may be limited during normal operations
- how the potential for break-ups during operational phases will be minimised
- how the probability of accidental collision in orbit will be limited
- how the potential for post-mission break-ups as a result of stored energy will be minimised
- how the long-term presence of payloads and launch vehicle orbital stages in the low-earth orbit region or in geosynchronous earth orbit will be limited after the end of the mission

Your strategy must also contain an orbital debris assessment.

Assessments may be in the form of an orbital debris assessment report (ODAR). Examples of internationally recognised orbital debris assessment models that may be used to perform the required analyses are [NASA's Debris Assessment Software](#) and the European Space Agency's [Debris Risk Assessment and Mitigation Analysis](#) tool.

4.7 Contracts

General Rules, section 80

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

- contracts with the persons undertaking the launch
- contracts for others to undertake activities connected with a launch
- contracts for the use or lease of facilities

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

4.8 Additional information

General Rules, section 81

You may include any other information relevant to demonstrating whether the criteria in the Act for granting an overseas payload permit are met.

5. How we use your information

5.1 Confidential information

We collect information:

- to assess applications to conduct space activities
- to monitor a permit, licence or certificate 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 of 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 or permit 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, or
- someone other than us has made the confidential information public

5.2 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.

5.3 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.

6. 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

Phone 1800 487 182 (within Australia)
+61 2 6276 1166 (outside Australia)

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Australian Space Agency

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7. Glossary

Term	Definition
Australian national	Any of the following: <ul style="list-style-type: none"> • an Australian citizen • an Australian resident • a body incorporated by or under a law of the Commonwealth, of a State or of a Territory • the Commonwealth, a State or a Territory
Australian resident	An individual who resides in Australia and is the holder (within the meaning of the <i>Migration Act 1958</i> of a permanent visa (within the meaning of that Act)
Australian Space Agency	A division of the Department. The Agency, through the Office of the Space Regulator, is responsible for administering the Act, Rules and related framework
Authorisation certificate	An approval to conduct an activity that would otherwise be prevented under the Act, but for which there isn't an existing approval process. This authorisation type helps futureproof from unforeseen technologies/activities that do not otherwise fit under the legislative framework.
Department	The Department of Industry, Science and Resources.
General Rules	The Space (Launches and Returns) (General) Rules 2019
Insurance Rules	The Space (Launches and Returns) (Insurance) Rules 2019
Minister	The Commonwealth Minister for Industry and Science
Penalty unit	A standard amount of money used to compute penalties for breaches of law. For offences committed from 1 July 2020, the Commonwealth penalty unit is \$222. Penalty units are automatically indexed on 1 July every three years in line with the All Groups Consumer Price Index (CPI).
Personal information	Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is: <p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ol style="list-style-type: none"> whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.
Space object	<ul style="list-style-type: none"> • 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 • 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