



Space Activities (Approved Scientific or Educational Organisations) Guidelines 2004

I, IAN ELGIN MACFARLANE, Minister for Industry, Tourism and Resources, make these Guidelines under section 8B of the *Space Activities Act 1998*.

Dated 3 February 2004

IAN MACFARLANE
Minister for Industry, Tourism and Resources

Contents

1	Name of Guidelines	2
2	Commencement	2
3	Definitions	2
4	Matters that the Minister must consider	2

1 Name of Guidelines

These Guidelines are the *Space Activities (Approved Scientific or Educational Organisations) Guidelines 2004*.

2 Commencement

These Guidelines commence on the date of their notification in the *Gazette*.

3 Definitions

A word or phrase that is defined in the *Space Activities Regulations 2001* and used in these Guidelines has the same meaning in these Guidelines as it does in the Regulations.

4 Matters that the Minister must consider

(1) In deciding whether to make a declaration under section 8A of the Act, the Minister must consider the following matters:

- (a) whether the applicant's principal function is scientific or educational in nature;
- (b) whether the applicant's principal activities are scientific or educational in nature;
- (c) if the applicant is not an individual:
 - (i) whether the purpose for which the applicant was established is scientific or educational in nature; and
 - (ii) the manner in which the applicant was established;

Examples for subparagraph (c) (ii)

- 1. Establishment by a law of the Commonwealth or of a State or Territory.
- 2. Establishment by incorporation.

- (d) whether the applicant carries on business for the purpose of profit or gain to its individual members, or to particular persons;
- (e) whether the applicant is prohibited, by the terms of the body's constitution, or by operation of law, from making any distribution of its assets (including money and property), to its members or to particular persons while the body is operating or upon being wound up;
- (f) whether the purpose of the space activity, or the series of space activities, that the applicant proposes to undertake or is likely to undertake is scientific or educational, having regard to the following:
 - (i) the nature, origin and function of the payload in relation to each activity or series of activities;
 - (ii) the proposed use of the results, data, intellectual property or other products of the activity or series of activities;
- (g) the nature and source of funding for the activity or series of activities, and any conditions under which the funding is or will be provided;

- (h) any agreement, memorandum of understanding or other arrangement (including a funding arrangement) that the applicant has entered into, or is proposing to enter into, in relation to the activity or series of activities;
 - (i) when the applicant expects that the activity or series of activities will be conducted;
 - (j) the activities of each person that is a related entity or related party in relation to the applicant, and the purposes of each related entity and each related party that is not an individual;
 - (k) whether a related entity or a related party in relation to the applicant, that is not an educational institution, non-profit body or scientific organisation, may gain a benefit from the making of the declaration.
- (2) In deciding whether to make a declaration under section 8A of the Act, the Minister must also consider the following matters:
- (a) whether there is a reason relating to Australia's national security, foreign policy or international obligations for not making a declaration;
 - (b) the extent of participation by Australian nationals in the proposed space activity or the proposed series of space activities.

Note 1 Under section 8C of the Act, an application for a declaration under section 8A of the Act must be made in accordance with the regulations. Regulations had not yet been made at the commencement of these Guidelines.

Note 2 A declaration under section 8A of the Act may be expressed as being in force for a particular period or until a particular date.

Note 3 Under subsection 33 (3) of the *Acts Interpretation Act 1901*, the Minister may vary or revoke a declaration made under section 8A of the Act.

Note 4 Under section 61 of the Act, an application may be made to the Administrative Appeals Tribunal for review of a decision of the Minister refusing to make a declaration under section 8A of the Act, or varying or revoking a declaration under section 8A of the Act.

Note 5 The making of a declaration under section 8A of the Act does not imply that the applicant will be granted approval to undertake a particular space activity or series of space activities.