

27 July 2018

Mr Mark Fitt

Committee Secretary
Economics Legislation Committee
The Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Email: Economics.Sen@aph.gov.au

Dear Mark,

RE: Space Activities Amendment (Launches and Returns) Bill 2018

The Communications Alliance Satellite Service Working Group (SSWG) wishes to thank the Economics Legislation Committee for the opportunity to provide this response to the *Space Activities Amendment (Launches and Returns) Bill 2018* and for the extension of time provided to us.

The SSWG commends the Department of Industry, Innovation and Science on its efforts to reform the *Space Activities Act 1998*; taking positive steps to expand licensing arrangements, streamline the approvals process and reduce barriers to participation in the growing Australian space industry.

The SSWG would like to share some observations on the Bill, building upon our earlier submission¹ as part of the initial consultation of the *Space Activities Act 1998*².

The SSWG's membership includes more than fifteen companies working in the space and satellite sector, including satellite operators and service providers, teleport operators, satellite and ground-segment equipment manufacturers, earth-station installers and sectoral experts. The Group is focused in the delivery of satellite-based network and facilities services on a wholesale and/or retail basis. It is from this perspective that these comments are presented, noting that the Bill is focusing on space activities relating to launches and returns – an area of keen interest to SSWG members, but an activity which is generally not their core business.

The SSWG is pleased to see that the move to amend, rather than re-write, the existing Act – a prudent step, in our view.

The Bill appears to have been drafted to retain flexibility, with provisions to be covered under subordinate legislation via disallowable instruments. This is a good starting point and our members look forward to seeing how the implementation of the Bill turns out in practice.

We emphasise the need to retain adequate protection for existing services utilising the 18 to 100 kilometre layer and welcome the fact that this appears to have been addressed. We note that new provisions have been introduced to reduce barriers to entry and participation by smaller operators. Although we cannot readily comment on behalf of small operators, we

¹ Communications Alliance Submission - DIIS Reform of the Space Activities Act 1998 and associated Framework - Legislative Proposals Paper. April 2017.

² Department of Industry, Innovation and Science - Reform of the Space Activities Act 1998 and associated framework. Legislative Proposals Paper. 24 March 2017

suspect that there still may be some barriers. If so, such operators will doubtless draw this to your attention.

With regards to the charging model, Section 59 on fees refers to having fee-setting rules in place. In advance of the next stage of development of these rules, the SSWG would encourage the following principles to be taken into account, as outlined in our earlier submission: The charging model:

- will benefit industry if the fees are clear and up-front.
- should be reasonable, fair and non-discriminatory (in particular for scientific, educational and other entities that may qualify for reduced fees).
- should be based on an incentivised approach.
- should not discourage start-ups or introduce obstacles for innovators.
- should discourage those who are looking to gain a 'free ride'.

It is not clear to us which Agency will have the fee-setting responsibility and suggest that this be identified in the legislation. These rules should provide the option for a phased application approach to facilitate new entrants, such as those representing the CubeSat industry. This would have the benefit of providing guidance during their application process.

The SSWG welcomes the fact that the reporting requirements appear to have been kept minimal, being contained to circumstances surrounding accidents with obligations on the appointed investigator.

An earlier concern was identified that regulation was apparently being extended to post-launch activities of a space object over the life of a payload. The Bill appears to be reasonably accommodating compared to legislation under other jurisdictions outside Australia and this seems not to pose a barrier to entry or participation.

We have not identified any provisions for a proposed public listing of launch facilities and the SSWG welcomes this, being in line with our comments in our earlier submission, as we felt this to be unnecessary.

Finally, Communications Alliance would like to take the opportunity to applaud the Government's game-changing initiative in establishing Australia's inaugural Space Agency, under the leadership of Dr. Megan Clark, and we look forward to fostering a close relationship between the Agency and our members as the Agency gears up for business.

Thank you for your consideration of this submission. If you have any questions with regards to this response, please contact Mike Johns on (02) 9959 9125.

Yours sincerely,



John Stanton
Chief Executive Officer