

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Current Developments in Space Law with Special Emphasis on National Space Legislation (7)

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BETWEEN THE DEVELOPMENT AND GOVERNANCE OF SPACE CAPABILITIES: AN ANALYSIS
OF THE APPLICATION OF INTERNATIONAL SPACE LAW IN AUSTRALIA FOR THE
AWARENESS OF ESTABLISHED AND YOUNG SPACE STATES

Abstract

With its heritage in space launch from government facilities in the middle of the twentieth century, Australia's research and commercial sectors are rapidly developing launch services in the face of a growing demand for NewSpace solutions. The domestic regulatory frameworks in response to this capability provide a useful case study in analysing how states should and should not draft and implement space law. This paper examines how Australia is overcoming its slow start in being able to effectively govern commercial space launch. A history of launch and launch regulation in Australia provides context to the current situation of the state's application of international space law. Australia's laws relating to space activities are discussed with emphasis on two questions. Firstly, what is the extent of persons seeking to carry out space activities require authorisations from several government divisions, each seeking to govern particular aspect of a space activity, and doing so irrespective of the international space law principles being satisfied? The second question asks what the advantages and challenges are in Australia's current regulatory framework specific to space launch and space objects, and considers matters such as the prescriptive delineation of outer space, economic incentives, flight safety process and the extent of resemblance to equivalent frameworks of other jurisdictions capable of commercial space launch. The paper concludes a state, if it is seeking to regulate space activities under multiple government divisions, it must either consolidate these frameworks or provide industry with information to identify and approach the approvals process under each framework. Moreover, a state's slow start in effectively regulating space activities is no barrier to it acting now in developing the domestic frameworks to enable a safe and commercially attractive domestic launch industry. The Australian government is demonstrating this possibility, where it is working to facilitate the domestic launch industry to meet the growing demand in the global market for next generation launch services.