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Space law Developments in Asia-Pacific: Diverging national space legislation with regard to the applicability of space law to suborbital flights (4)

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DEVELOPMENT OF THE NEW ZEALAND AND AUSTRALIAN SPACE INDUSTRIES:
REGULATION FOR A SUSTAINABLE FUTURE

Abstract

This paper considers the recent developments in Australia and New Zealand in the domain of domestic space law: the review of the Space Activities Act 1998 (Australia) and the implementation of domestic space law in New Zealand. The patterns of ratification and adoption of the international space treaties by Australia and New Zealand are radically different and reflective of their respective historical approaches to space activities. Australia initially approached space activities with significant vigour and enthusiasm, evidenced by its early engagement with the outer space treaties, and the research, development and launch activities at Woomera in South Australia. New Zealand, by comparison, has only recently made the decision to ratify the international treaties, and only then in the context relevant to its proposed activities with Rocket Lab. Both countries have unique attributes in terms of geography, levels of technological advancement and available workforce, yet in each case the move to implement domestic legislation for space activities has been precipitated by projects managed by foreign entities. The Space Activities Act was prompted by the Kistler Aerospace Spaceport Woomera proposals and New Zealand is responding to the Rocket Labs launch plans. In each case the main driver for reform was foreign investment. This paper will therefore ask, in the context of this history, how both Australia and New Zealand could develop and implement legislative and regulatory frameworks that will encourage, support and sustain domestic space industries. It will consider the potential role of a Space Agency in the governance context, and draw comparisons from the European Space Agency and Canadian Space Agency models, addressing strengths and weaknesses and the very different domestic, political and historical contexts. A key focus here will be on the importance of regulating for sustainability: in the sense of ongoing success of any domestic space industries, but also with respect to related domains, such as environmental, employment and security issues.