

ACSER Cubesat Innovation Workshop
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Regulating Small Satellites: Legal Imperatives and Policy Choices

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Small Satellites – Opportunities

A (New) World of Space Activity

- Access to new applications – flexibility
- Unknown possibilities – a wealth of new ideas
- Allows entry by new space ‘actors’
- Facilitates capacity building
- Evolution of development and utilisation
 - Universities, NGOs, non-profit organisations but now also ...
 - Government organisations / space agencies
- Driver of scientific and technical development but also ...
- Expanding scope of existing capability – at lower cost

- Altering the landscape of Australia’s space industry?

Existing International Legal Framework / Regulatory Requirements include ...

- Article VI Outer Space Treaty
 - authorization – including extraterritorial activities
 - continuing supervision
- Liability Convention
 - 'space object'
 - 'launching State'
 - national law – indemnities?
 - insurance requirements / direct financial responsibility
 - exemption?
- Registration Convention
 - national register
 - information to United Nations Register

Existing Legal Framework / Regulatory Requirements include ...

- ITU Requirements
 - liaison with national administrator
 - use of radio frequency coordination
- IADC / UNCOPUOS Debris Mitigation Guidelines
 - non-binding but evidence of 'fault'?
- Specific national law requirements / national security etc

Current Regulation?

- Predicted exponential growth in small satellite programs
 - worldwide (and Australia?)
- Currently on agenda of COPUOS LSC
 - ‘General exchange of views on the application of international law to small satellites’
- No existing dedicated rules / specific international law but ...
 - compliance with existing regulatory requirements?
 - hard law
 - ‘soft’ law
 - => not designed with small satellites in mind
- Australia – Space Activities Act 1998
 - no specific legal framework / procedures in place
- Current review / reform of Space Activities Act 1998 / Proposal for new legislation (focussing on launches and returns)
- See space.gov.au / Freeland Analysis Report pages 83-101

Policy Choices for National Regulator

- Need for Australian law to (specifically) address small satellites?
- Balance between
 - => stricter regulation
 - financial / technical etc
 - minimising risks / potential liability
 - encouraging best practice
 - adherence to internationally recognised standards
- and ...
 - => enabling rules / liability limitations / exemptions etc
 - promote research / development
 - encourage greater access to space
 - increased commercial opportunities and contribution to viable domestic space industry