



COVERSHEET

Minister	Hon Phil Twyford	Portfolio	Economic Development
Title of Cabinet paper	Approach to payload assessments under the Outer Space and High-altitude Activities Act	Date to be published	17 December 2019

List of documents that have been proactively released

Date	Title	Author
25 November 2019	Approach to payload assessments under the Outer Space and High-altitude Activities Act	Office of the Minister for Economic Development
25 November 2019	CBC-19-MIN-0048 Minute	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the following reasons

- International relations
- Confidential information entrusted to the Government
- Free and Frank opinions
- Legal professional privilege



Cabinet Business Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Outer Space and High-altitude Activities Act 2017: Approach to Payload Assessments

Portfolio Economic Development

On 25 November 2019, the Cabinet Business Committee:

Background

- 1 **noted** that New Zealand is an attractive space launch destination for a range of customers, International Relations
- 2 **noted** that the Outer Space and High-altitude Activities Act 2017 (the Act) provides a robust regulatory framework that is enabling of space activities consistent with its requirements and other relevant New Zealand law;
- 3 **noted** that assessment of a particular payload and whether its operation, including its end use, is consistent with New Zealand's obligations, national security, or national interest may raise complex legal and policy issues, and that advice will be provided on each application;
- 4 **noted** that residual risks presented by payloads that otherwise meet the mandatory tests in the Act, such as liability under the United Nations Convention on International Liability for Damage Caused by Space Objects, are able to be mitigated through permit conditions and other means;
- 5 **noted** that in April 2018, Ministers discussed guidelines on New Zealand's approach to reviewing payloads, International Relations

Principles for authorising New Zealand space activity

- 6 **agreed** that the responsible Minister's consideration of national interest for space activities be informed by:
 - 6.1 *the principle of responsibility*, ie that space activities from New Zealand should be conducted with due care and in such a way as to promote an orbital environment where actors avoid causing harm or interference with the activities of others;
 - 6.2 *the principle of sustainability*, ie New Zealand should promote sustainable space practices that preserve the benefits of space for future generations;

- 6.3 *the principle of safety*, ie space activities from New Zealand should be conducted in a way that does not jeopardise human safety (including the safety of people in space);
- 6.4 *New Zealand's values and interests, and align with broader policy settings*, ie space activity from New Zealand should uphold the policies and values supported by New Zealand;


Activities considered not in New Zealand's national interests

- 7 **agreed** that it is not in New Zealand's national interest to authorise payloads:
 - 7.1 that contribute to nuclear weapons programmes or capabilities;
 - 7.2 with the intended end use of harming, interfering with, or destroying other spacecraft or space systems on Earth;
 - 7.3 with the intended end use of enabling or supporting specific defence, security or intelligence operations that are contrary to government policy;
 - 7.4 where the intended end use is likely to cause serious or irreversible harm to the environment;
- 8 **noted** that the categories referred to in paragraph 7 above are intended to act as a guide, and that some applications will raise complex legal and policy issues that may not neatly fit the above categories of end use;


International Relations



Publicity and communications


- 13 International Relations 
- 14 **noted** that the Ministry of Business, Innovation and Employment (MBIE) proactively releases information about previously permitted payloads on a quarterly basis;

15

International Relations
16 **agreed** that ongoing messaging on space activities:

16.1 acknowledge the defence and security nature of some payloads approved for launch from New Zealand;

16.2 incorporate the principles for space activity and the activities that will not be authorised as outlined in the paper under CBC-19-SUB-0048;

16.3 International Relations


Vivien Meek
Committee Secretary

Present:

Rt Hon Winston Peters (Chair)
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni
Hon Dr David Clark
Hon Nanaia Mahuta
Hon Tracey Martin
Hon James Shaw

Officials present from:

Department of the Prime Minister and Cabinet

Hard-copy distribution:

Minister for Economic Development