

Review of the Outer Space and High-altitude Activities Act 2017 Terms of Reference

Section 86 of the Outer Space and High-altitude Activities Act 2017 (the Act) requires the Minister for Economic and Regional Development ('the Minister'), as Minister responsible for the Act's administration, to:

- As soon as practicable after three years from the Act's commencement, commence a review of the operation and effectiveness of the Act and prepare a report on that review; and
- Present the report to the House of Representatives as soon as practicable after its completion.

The Review of the Act will consider:

- the operation and effectiveness of the Act, since the Act came into force on 21 December 2017;
- whether the provisions of the Act should be retained or repealed; and
- whether any further amendments to the Act are necessary or desirable.

In carrying out the review, the Ministry of Business, Innovation and Employment (MBIE), as the administering agency of the Act, will assess the Act's operation and effectiveness through, inter alia, considering the following:

- Alignment of provisions with intent (e.g. do the provisions in the Act allow the purposes to be met?);
- Efficient (e.g. do they impose minimum compliance costs on the regulated entities and agencies involved in administering the Act, and do they result in the provision of timely and comprehensive information to inform decision-making?);
- Certain and predictable (e.g. does the regime provide a sufficient level of certainty and predictability to regulated entities?);
- Flexible (e.g. given that this is an area of rapid technology change, is the Act sufficiently technology neutral);
- Transparent (for the regulated entities and the general public).

There is no legislative requirement to review the Outer Space and High-altitude Activities (Definition of High-altitude Vehicle) Regulations 2017 and Outer Space and High-altitude Activities (Licences and Permits) Regulations 2017, but these will be considered within the Review to ensure the regime as a whole is operating effectively.

The following process will be led by MBIE officials:

- Collect views (including from government agencies and industry stakeholders) regarding the operation and effectiveness of the provisions of the Act.
- Identify how the Act and regulations can be improved operationally.
- Taking into account the consultation, prepare and present a final report to the Minister by 15 December 2021.