



Outer Space and High-altitude Activities (Licences and Permits) Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 88 of the Outer Space and High-altitude Activities Act 2017—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Economic Development.

Contents

	Page
1 Title	3
2 Commencement	3
3 Interpretation	3
4 Transitional, savings, and related provisions	4

Part 1

Licence and permit applications

General requirements

5 How application must be made	5
6 Content of applications	5

Information requirements

7 Information required for launch licence or overseas launch licence application	6
--	---

8	Information required for payload permit or overseas payload permit application	6
9	Information required for facility licence application	6
10	Information required for high-altitude licence application <i>Application process if applicant seeks to have Minister treat licence, permit, or other authorisation granted or likely to be granted outside New Zealand as satisfying criteria</i>	6
11	Applicant may provide evidence of licence, permit, or other authorisation granted or likely to be granted outside New Zealand	6
12	Date of application <i>Requirements for orbital debris mitigation plan</i>	7
13	Requirements for orbital debris mitigation plan <i>Procedural matters</i>	7
14	Applicant must notify Minister of any information relevant to the application	8
Part 2		
Infringement notices		
15	Infringement notices	8
Schedule 1		
Transitional, savings, and related provisions		
Schedule 2		
Information required for any licence or permit application		
Schedule 3		
Information required for launch licence or overseas launch licence application		
Schedule 4		
Information required for payload permit or overseas payload permit application		
Schedule 5		
Information required for facility licence application		
Schedule 6		
Information required for high-altitude licence application		
Schedule 7		
Information required about licence, permit, or other authorisation granted, or likely to be granted, outside New Zealand		
Schedule 8		
Form of infringement notice		

Regulations

1 Title

These regulations are the Outer Space and High-altitude Activities (Licences and Permits) Regulations 2017.

2 Commencement

These regulations come into force on 21 December 2017.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Outer Space and High-altitude Activities Act 2017

applicant means,—

- (a) in relation to a launch licence, the person or persons applying to hold the launch licence:
- (b) in relation to an overseas launch licence, the person or persons applying to hold the overseas launch licence:
- (c) in relation to a payload permit, the person or persons applying to hold the payload permit:
- (d) in relation to an overseas payload permit, the person or persons applying to hold the overseas payload permit:
- (e) in relation to a facility licence, the person or persons applying to hold the facility licence:
- (f) in relation to a high-altitude licence, the person or persons applying to hold the high-altitude licence

chief executive has the same meaning as in section 4 of the Act

contact details means, in relation to a person, the person's address for service, contact email address, and contact telephone number

entity means a person that is not an individual

governing body means,—

- (a) in relation to a body corporate or other entity, the board of directors (or other persons or body exercising powers of management, however described) of the body corporate or other entity; or
- (b) if there is no board or other persons or body as described in paragraph (a), the partners of the entity (if the entity is a partnership) or the members of the entity

protective security arrangements means measures and polices to counter security threats in relation to activities under a licence or permit, including—

- (a) personnel security (for example, security clearance assessments); and

- (b) information security (for example, information assurance and cybersecurity activities); and
- (c) physical security (for example, making premises secure and protecting classified information)

security—

- (a) means any interest or right to participate in any capital, assets, earnings, royalties, or other property of any person; and
 - (b) includes specifically—
 - (i) a share in a body corporate; and
 - (ii) an interest in an entity that is a partnership or unincorporated joint venture; and
 - (iii) a right, conferred by membership of an entity, to participate in the control or management of the entity, vote at a general meeting of the entity, or participate in the assets or property of the entity on its winding up; and
 - (c) includes also any other interest or right that confers rights of ownership of the property of any person, or to participate in the property of any person on the winding up of that person; and
 - (d) includes also any other interest that confers rights to exercise control over the property or assets of any person; and
 - (e) excludes an interest or right that is—
 - (i) solely an interest in or right to be paid money that is, or is to be, deposited with, lent to, or otherwise owing by, any person (and is not convertible into a security within paragraphs (a) to (d)); or
 - (ii) conferred solely for the purpose of securing the repayment of money of that kind (and is not convertible into a security within paragraphs (a) to (d)).
- (2) In these regulations, a person has a **10% or more ownership or control interest** in an applicant if the person has—
- (a) a beneficial entitlement to, or a beneficial interest in, 10% or more of the applicant's securities; or
 - (b) the power to control the composition of 10% or more of the governing body of the applicant; or
 - (c) the right to exercise or control the exercise of 10% or more of the voting power at a meeting of the applicant.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 1

Licence and permit applications

General requirements

5 How application must be made

An application to the Minister under section 8, 16, 24, 32, 39, or 46 of the Act must—

- (a) be in writing and in English; and
- (b) be lodged with the chief executive—
 - (i) by post; or
 - (ii) by electronic means.

6 Content of applications

- (1) An application to the Minister under section 8, 16, 24, 32, 39, or 46 of the Act must contain—
 - (a) the information required under any of regulations 7 to 11; and
 - (b) a statement that confirms that the contents of the application are true and accurate.
- (2) If any information described in subclause (1)(a) is publicly available on an Internet site, the applicant may satisfy subclause (1)(a) by providing a link to the information in the application.
- (3) The statement described in subclause (1)(b) must be signed and dated by,—
 - (a) if the applicant is an individual, the individual;
 - (b) if the applicant is a body corporate or any other entity, a director, an officer, or any other person authorised to sign on behalf of the entity;
 - (c) if the applicant is 2 or more persons, each person or a person authorised to sign on behalf of each person.
- (4) However, an applicant may withhold any information described in subclause (1)(a) that—
 - (a) the applicant is not lawfully entitled to provide; and
 - (b) the Minister can obtain from another source.
- (5) An applicant who withholds information under subclause (4) must state the reason for withholding the information.

*Information requirements***7 Information required for launch licence or overseas launch licence application**

- (1) An application for a launch licence under section 8 of the Act or an overseas launch licence under section 24 of the Act must contain the information described in Schedules 2 and 3.
- (2) This regulation is subject to regulation 11.

8 Information required for payload permit or overseas payload permit application

- (1) An application for a payload permit under section 16 of the Act or an overseas payload permit under section 32 of the Act must contain the information described in Schedules 2 and 4.
- (2) This regulation is subject to regulation 11.

9 Information required for facility licence application

- (1) An application for a facility licence under section 39 of the Act must contain the information described in Schedules 2 and 5.
- (2) This regulation is subject to regulation 11.

10 Information required for high-altitude licence application

An application for a high-altitude licence under section 46 of the Act must contain, in relation to each high-altitude vehicle that is proposed to be launched under the licence and—

- (a) that is an aircraft, the information described in Schedule 2 and Part 1 of Schedule 6;
- (b) that is not an aircraft, the information described in Schedule 2 and Parts 1 and 2 of Schedule 6.

Application process if applicant seeks to have Minister treat licence, permit, or other authorisation granted or likely to be granted outside New Zealand as satisfying criteria

11 Applicant may provide evidence of licence, permit, or other authorisation granted or likely to be granted outside New Zealand

- (1) This regulation applies to an applicant who seeks to have the Minister treat a licence, a permit, or any other authorisation that concerns a matter relevant to the Minister's decision, and that was granted or is likely to be granted in a country other than New Zealand, as satisfying, under section 51 of the Act, some or all of the criteria for granting a licence or permit.
- (2) The applicant must provide the information described in Schedules 2 and 7.

- (3) If the Minister advises the applicant that the Minister is considering treating the licence, permit, or other authorisation as satisfying some or all of the criteria under section 51 of the Act, the applicant—
- (a) must provide the information described in the following provisions:
 - (i) if the application is for a launch licence or an overseas launch licence, items 1 to 8, 12(e), 13(e), 14, and 15 of Schedule 3:
 - (ii) if the application is for a payload permit or an overseas payload permit, items 1 to 14, 17(b), 18(b), 19, and 20 of Schedule 4:
 - (iii) if the application is for a facility licence, items 1 to 3 and 6(e) and 7(e) of Schedule 5; and
 - (b) is required to provide any other information described in Schedule 3, 4, or 5 (as applicable) only if and when required by the Minister.
- (4) An applicant to whom this regulation applies may provide information required under subclause (2) or (3) by,—
- (a) if the information is contained in the overseas licence, permit, or other authorisation, providing a copy of the licence, permit, or other authorisation; or
 - (b) if the information is contained in an application for the overseas licence, permit, or other authorisation, providing a copy of the application.

12 Date of application

The date of an application made by an applicant to whom regulation 11 applies is the date on which the applicant provides the information referred to in regulation 11(2).

Requirements for orbital debris mitigation plan

13 Requirements for orbital debris mitigation plan

- (1) This regulation prescribes requirements for an orbital debris mitigation plan for the purpose of sections 9(1)(c), 17(1)(b), 25(1)(c), and 33(1)(b) of the Act.
- (2) An orbital debris mitigation plan must,—
- (a) if the applicant is following a standard or guidelines of an international or any other body that relates to the mitigation of orbital debris, specify the standard or guidelines; and
 - (b) if the plan has been assessed by a person or body that is independent of the applicant, specify that person or body and the result of the assessment; and
 - (c) specify the mitigation measures taken or intended to be taken that relate to orbital debris, which measures must be sufficient to ensure that—
 - (i) the release of debris during the normal operations of the vehicle or, as the case may be, the payload is limited; and

- (ii) the potential for break-up of the vehicle or, as the case may be, the payload while in orbit is minimised; and
- (iii) the potential for the vehicle or, as the case may be, the payload to collide with debris other than debris released in the course of the activity to which the licence or permit relates is minimised; and
- (iv) at the end of the activity to which the licence or permit relates, the vehicle or, as the case may be, the payload is disposed of in a way that minimises risks to, or in, Earth's environment and in the space environment (including the risk of collisions).

Procedural matters

14 Applicant must notify Minister of any information relevant to the application

- (1) The applicant must notify the Minister as soon as is reasonably practicable after the applicant becomes aware of any of the following information at any time before the application has been granted or declined:
 - (a) any new information relevant to the application;
 - (b) any material changes in circumstances that mean any information provided to the chief executive in relation to the application is no longer accurate or complete.
- (2) The notification must be made by providing the information to the chief executive—
 - (a) by post; or
 - (b) by electronic means.

Part 2
Infringement notices

15 Infringement notices

Every infringement notice in respect of an infringement offence against the Act must be in the form set out in Schedule 8.

Schedule 1
Transitional, savings, and related provisions

r 4

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

Information required for any licence or permit application

rr 7, 8, 9, 10, 11

Applicant's details

- 1 If the application is made by an individual,—
 - (a) the individual's full name, contact details, and nationality or nationalities; and
 - (b) evidence of the individual's identity that is acceptable to the Minister.
- 2 If the application is made by a body corporate,—
 - (a) the name, contact details, and legal form of the applicant; and
 - (b) the registered office address of the applicant; and
 - (c) the unique number assigned to the applicant on incorporation (if any); and
 - (d) the country or jurisdiction in which the applicant is incorporated (if not incorporated in New Zealand); and
 - (e) in respect of each individual who has a 10% or more ownership or control interest in the applicant, the individual's full name, nationality or nationalities, and contact details; and
 - (f) in respect of each body corporate that has a 10% or more ownership or control interest in the applicant,—
 - (i) the name of the body corporate; and
 - (ii) the registered office address of the body corporate; and
 - (iii) the unique number assigned to the body corporate on incorporation (if any); and
 - (iv) if the beneficial owner is not incorporated in New Zealand, the country or jurisdiction in which the beneficial owner is incorporated.
- 3 If the application is made by an entity other than a body corporate,—
 - (a) the applicant's name, contact details, and legal form; and
 - (b) the applicant's registered office address or principal place of business; and
 - (c) in respect of each individual who has a 10% or more ownership or control interest in the applicant, the individual's full name, nationality or nationalities, and contact details; and
 - (d) in respect of each body corporate that has a 10% or more ownership or control interest in the applicant,—

- (i) the name of the body corporate; and
- (ii) the registered office address of the body corporate; and
- (iii) the unique number assigned to the body corporate on incorporation (if any); and
- (iv) if the beneficial owner is not incorporated in New Zealand, the country or jurisdiction in which the beneficial owner is incorporated.

Application made by more than 1 person

- 4 If the application is made by 2 or more persons, the information required by items 1 to 3 (as applicable) in respect of each person.

Schedule 3
**Information required for launch licence or overseas launch licence
application**

r 7

Launch details

- 1 A description of each launch vehicle (including its name, payload capacity, and capabilities) proposed to be launched under the licence.
- 2 The proposed duration of the licence (if known).
- 3 The proposed number and frequency of launches under the licence (if known).
- 4 The anticipated dates within which each launch proposed under the licence is likely (if known).
- 5 The purpose of each launch proposed under the licence.

Launch facility details

- 6 The name and location of the launch facility or facilities from which the applicant proposes to launch the launch vehicle or vehicles under the licence.
- 7 If the application is for an overseas launch licence, the following information about the owner of the launch facility described in item 6:
 - (a) if the owner is an individual, the full name, residential address, and contact details of the individual;
 - (b) if the owner is a body corporate,—
 - (i) the name, principal place of business, and address of the body corporate's registered office; and
 - (ii) the unique number assigned to the body corporate on its incorporation (if any);
 - (c) if the owner is an entity other than a body corporate, the name and principal place of business of the entity.

Protective security arrangements

- 8 A description of the protective security arrangements in place in relation to—
 - (a) the launch vehicle telemetry and control; and
 - (b) other launch systems and sensitive space technology.

Evidence of technical capability

- 9 Evidence that the applicant is technically capable of conducting a safe launch, including the following information about each person who has technical capability relied on in the evidence:
- (a) the person's name; and
 - (b) the person's relationship to the applicant; and
 - (c) evidence of the person's relevant qualifications and experience; and
 - (d) any other information relevant to the assessment of the person's technical capability.

Safety case

- 10 A safety case that—
- (a) describes the activities proposed under the licence to which the safety case relates; and
Safety-critical systems
 - (b) describes any systems—
 - (i) that have the purpose of preventing, or limiting the effect of, risks to public safety; and
 - (ii) the failure of which could cause or contribute substantially to a serious risk to public safety; and
 - (c) describes the arrangements in place to verify that the systems described in paragraph (b) are or will be suitable and will remain in good condition for the duration of the licence; and
Safety assessment
 - (d) provides for—
 - (i) the identification of any serious risks to public safety associated with the activity; and
 - (ii) the nature of each risk, including the likelihood and consequences (including the potential magnitude and severity of the potential consequences); and
 - (iii) the geographical areas likely to be affected by the activity and, if relevant, demographic information about the local community that may be affected by them; and
 - (iv) the measures that the applicant has implemented, or will implement, to minimise the risks to public safety; and

Relevant safety standards

- (e) provides details of all relevant New Zealand and international standards that have been applied or will be applied in relation to the safety of the activity; and

Safety management systems

- (f) describes the systems that the applicant has implemented, or intends to implement, for the purpose of ensuring that the activities under the licence are conducted in a manner that does not create a significant risk of—
 - (i) serious harm to any member of the public; or
 - (ii) significant damage to property owned by a person other than the licensee; and
- (g) provides details of the key personnel responsible for the safety of the proposed activities under the licence; and

Emergency plan

- (h) includes an emergency plan that—
 - (i) effectively addresses all serious risks to public safety of an accident; and
 - (ii) is specific to the proposed activities under the licence and the serious risks to public safety (if any) identified in the safety assessment under paragraph (d); and
 - (iii) is integrated into the applicant's safety management systems under paragraph (f); and
 - (iv) is understandable by workers, visitors, and other people who are likely to be affected (to the extent necessary for them to fulfil their roles under the plan); and
 - (v) provides for the testing, review, and updating of emergency procedures, including the frequency of any testing, review, and updating.

Orbital debris mitigation plan

- 11 An orbital debris mitigation plan that complies with regulation 13.

Evidence of fitness to hold licence

- 12 A declaration as to whether the applicant, or any other person who is to have or is likely to have control over the exercise of the rights under the licence,—
- (a) has ever been convicted of or found guilty of any offence in New Zealand or any other jurisdiction:

- (b) is currently charged with any offence in New Zealand or any other jurisdiction:
 - (c) has had an aviation document under the Civil Aviation Act 1990, or regulations or rules made under that Act, suspended or revoked (other than a revocation at the request of the applicant) or had conditions imposed on an aviation document:
 - (d) has ever received notice of a proposed adverse decision from the Director of Civil Aviation under section 11 of the Civil Aviation Act 1990 (or a proposed decision by a regulator under the law of a country other than New Zealand to the effect that a person is not a fit and proper person to hold a licence, a permit, or any other authorisation in respect of the type of activity to which the application relates):
 - (e) has ever had a licence, a permit, or any other authorisation refused, suspended, or revoked under the law of a country other than New Zealand in respect of the type of activity to which the application relates:
 - (f) if the applicant or other person is an individual, has been subject to a compulsory treatment order under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (or an equivalent order under the law of a country other than New Zealand).
- 13 Details of—
- (a) any conviction or finding of guilt declared under item 12(a); and
 - (b) any pending charge declared under item 12(b); and
 - (c) any suspension or revocation or any conditions declared under item 12(c); and
 - (d) any proposed adverse decision declared under item 12(d); and
 - (e) any refusal, suspension, or revocation declared under item 12(e); and
 - (f) when any order declared under item 12(f) was made.

Other details

- 14 Details of any current or pending spectrum authorisations—
- (a) for the launch vehicle; and
 - (b) for any ground stations in New Zealand to or from which the launch vehicle is intended to transmit or receive information.
- 15 The International Telecommunications Union Advance Publication Information number or numbers and associated status (if required and known).

Schedule 4
**Information required for payload permit or overseas payload permit
application**

r 8

Payload details

- 1 A summary of the mission and purpose of the launch of the payload or payloads proposed to be launched under the permit that includes a description of the system (for example, a constellation of satellites or other similar system) that the payload is a part of.
- 2 A statement specifying, in respect of each payload proposed to be launched under the permit,—
 - (a) the expected operational life of the payload; and
 - (b) the anticipated dates within which the launch of the payload is likely and the intended duration of each proposed launch (if known); and
 - (c) the name of the person that holds a launch licence for the launch (if known); and
 - (d) the intended orbital parameters (including the nodal period, inclination, apogee, and perigee) of the payload.
- 3 In relation to each payload (and, if applicable, each spacecraft bus),—
 - (a) the principal place of manufacture or assembly; and
 - (b) the name of the manufacturer or assembler.
- 4 In relation to the payload integrator (if different from the applicant), the place of integration and,—
 - (a) if the payload integrator is an individual, the name and contact details of the payload integrator;
 - (b) if the payload integrator is a body corporate, the name and place of incorporation of the payload integrator;
 - (c) if the payload integrator is an entity other than a body corporate, the name and principal place of business of the entity.

Protective security arrangements

- 5 A description of the protective security arrangements (if any) in place in relation to—
 - (a) the payload command and control systems; and
 - (b) any raw remote-sensing data; and

- (c) any systems commanding the payload or remote-sensing systems and sensor tasking.

Ground stations

- 6 A description of the ground station or ground stations that will be used to—
 - (a) command or communicate with the payload; or
 - (b) transfer data collected from the payload.

Launch facility details

- 7 The name and location of the launch facility or launch facilities from which the payload or payloads are proposed to be launched (if known).
- 8 If the application is for an overseas payload permit, the following information about the owner of the launch facility described in item 7:
 - (a) if the owner is an individual, the full name, residential address, and contact details of the individual;
 - (b) if the owner is a body corporate,—
 - (i) the name of the body corporate and the address of the body corporate's registered office; and
 - (ii) the unique number assigned to the body corporate on its incorporation (if any);
 - (c) if the owner is an entity other than body corporate, the name and principal place of business of the entity.

Payload capability

- 9 An overview of the payload and its subsystems, capabilities, and intended uses.
- 10 A summary of the payload's manoeuvring capability (if any).
- 11 A description of any management, oversight, or control of the payload or its operation (including the ground segment) that the applicant contracts out to another person.
- 12 The name and contact details of any person described in item 11.

Payloads with remote-sensing capability

- 13 A description of any payload sensors and a summary of their capability, including information about the payload's—
 - (a) resolution, field of view, and field of regard; and
 - (b) on-board storage and processing capabilities; and
 - (c) geolocation accuracy; and

- (d) persistence.
- 14 A summary of the proposed recipients of any enhanced and raw remote-sensing data, including details of—
- (a) any customers or classes of customers who will receive enhanced remote-sensing data; and
 - (b) whether the applicant will provide any raw data to any customers or classes of customers; and
 - (c) any plans to provide the raw data generated by the payload—
 - (i) to governments whose territories have been sensed; or
 - (ii) for non-commercial, scientific, educational, or other public benefit purposes.

Orbital debris mitigation plan

- 15 An orbital debris mitigation plan that complies with regulation 13.

Safe operation of payload

- 16 A description of measures taken to ensure the safe operation of the payload.
- 17 A declaration as to whether the applicant, or any other person who is to have or is likely to have control over the exercise of the rights under the permit,—
- (a) has ever received notice from an overseas regulator to the effect that the applicant or other person is not a fit and proper person to hold a licence, a permit, or any other authorisation in respect of the type of activity to which the application relates;
 - (b) has ever had a licence, a permit, or any other authorisation refused, suspended, or revoked under the law of a country other than New Zealand in respect of the type of activity to which the application relates.
- 18 Details of—
- (a) any notice declared under item 17(a); and
 - (b) any refusal, suspension, or revocation declared under item 17(b).

Other details

- 19 Details of any current or pending spectrum authorisations—
- (a) for the payload; and
 - (b) for any ground stations in New Zealand to or from which the payload is intended to transmit or receive information.
- 20 The International Telecommunications Union Advance Publication Information number or numbers and associated status (if required and known).

Schedule 5

Information required for facility licence application

r 9

Launch facility details

- 1 A description of the launch facility, including a description of—
 - (a) its location; and
 - (b) the launch vehicles proposed to be launched from the launch facility; and
 - (c) the proposed frequency of launches and the proposed launch trajectories.
- 2 A site plan of the launch site and the command and control centre.
- 3 An overview of the protective security arrangements (if any) in place in relation to the launch facility.

Evidence of technical capability

- 4 Evidence that the applicant is technically capable of operating the launch facility safely, including the following information about each person who has technical capability relied on in the evidence:
 - (a) the person's name;
 - (b) the person's relationship to the applicant;
 - (c) evidence of the person's relevant qualifications and experience;
 - (d) any other information relevant to the assessment of the person's technical capability.

Safety case

- 5 A safety case that—
 - (a) describes the activities proposed under the licence to which the safety case relates; and

Safety critical systems

- (b) describes any part of the facility (including a computer program)—
 - (i) that has the purpose of preventing, or limiting the effect of, risks to public safety; and
 - (ii) the failure of which could cause or contribute substantially to a serious risk to public safety; and
- (c) describes the arrangements in place to verify that the parts of the facility described in paragraph (b) are or will be suitable and will remain in good condition for the duration of the licence; and

Safety assessment

- (d) provides for—
- (i) the identification of any serious risks to public safety associated with the activity; and
 - (ii) the nature of each risk, including the likelihood and consequences (including the potential magnitude and severity of the potential consequences); and
 - (iii) the geographical areas likely to be affected by the activity and, if relevant, demographic information about the local community that may be affected by them; and
 - (iv) the measures that the applicant has implemented, or will implement, to minimise the risks to public safety; and

Relevant safety standards

- (e) provides details of all relevant New Zealand and international standards that have been applied or will be applied in relation to the safety of the activity; and

Safety of facility

- (f) describes the measures that the applicant has implemented, or will implement, to ensure that the launch facility is built to a safe standard and its operation is safe; and
- (g) provides details of the key personnel responsible for the safety of the proposed activities under the licence; and

Emergency plan

- (h) includes an emergency plan for the facility that—
- (i) effectively addresses all serious risks to public safety of an accident; and
 - (ii) is specific to the facility and the serious risks to public safety (if any) identified in the safety assessment under paragraph (d); and
 - (iii) is integrated into the measures described under paragraph (f); and
 - (iv) is understandable by workers, visitors, and other people who are likely to be affected (to the extent necessary for them to fulfil their roles under the plan); and
 - (v) provides for the testing, review, and updating of emergency procedures, including the frequency of any testing, review, and updating.

Evidence of fitness to hold licence

- 6 A declaration as to whether the applicant, or any other person who is to have or is likely to have control over the exercise of the rights under the facility licence,—
- (a) has ever been convicted of or found guilty of any offence in New Zealand or any other jurisdiction:
 - (b) is currently charged with any offence in New Zealand or any other jurisdiction:
 - (c) has had an aviation document under the Civil Aviation Act 1990, or regulations or rules made under that Act, suspended or revoked (other than a revocation at the request of the applicant) or had conditions imposed on an aviation document:
 - (d) has ever received notice of a proposed adverse decision from the Director of Civil Aviation under section 11 of the Civil Aviation Act 1990 (or a proposed decision by a regulator under the law of a country other than New Zealand to the effect that a person is not a fit and proper person to hold a licence, a permit, or any other authorisation in respect of the type of activity to which the application relates):
 - (e) has ever had a licence, a permit, or any other authorisation refused, suspended, or revoked under the law of a country other than New Zealand in respect of the type of activity to which the application relates:
 - (f) if the applicant or other person is an individual, has been subject to a compulsory treatment order under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (or an equivalent order under the law of a country other than New Zealand).
- 7 Details of—
- (a) any conviction or finding of guilt declared under item 6(a); and
 - (b) any pending charge declared under item 6(b); and
 - (c) any suspension or revocation or any conditions declared under item 6(c); and
 - (d) any proposed adverse decision declared under item 6(d); and
 - (e) any refusal, suspension, or revocation declared under item 6(e); and
 - (f) when any order declared under item 6(f) was made.

Schedule 6

Information required for high-altitude licence application

r 10

Part 1

Information required in relation to each high-altitude vehicle

Launch details

- 1 A summary of the mission and purpose of each proposed launch of a high-altitude vehicle under the licence, including a description of—
 - (a) the high-altitude vehicle to be launched (including its name and type, its payload capacity, and its capabilities); and
 - (b) the proposed flight path or flight plan of the high-altitude vehicle (if applicable); and
 - (c) the anticipated dates within which a launch is likely (if known); and
 - (d) the proposed location from which the applicant proposes to launch the high-altitude vehicle; and
 - (e) the anticipated duration of the launch and operation of the high-altitude vehicle; and
 - (f) the intended range of altitudes in which the high-altitude vehicle will travel.

High-altitude payload capability

- 2 In respect of each high-altitude payload proposed to be carried by a high-altitude vehicle under the licence,—
 - (a) an overview of the high-altitude payload and its subsystems, capabilities, and intended uses; and
 - (b) a summary of its manoeuvring capability (if any); and
 - (c) a description of any management, oversight, or control of the high-altitude payload or its operation (including the ground segment) that the applicant contracts out to another person; and
 - (d) the name and contact details of any person described in paragraph (c).

High-altitude payloads with remote-sensing capability

- 3 A description of any high-altitude payload sensors and a summary of their capability, including information about the high-altitude payload's—
 - (a) resolution, field of view, and field of regard; and
 - (b) on-board storage and processing capabilities; and

- (c) geolocation accuracy; and
 - (d) persistence.
- 4 A summary of the proposed recipients of any enhanced and raw remote-sensing data, including details of—
- (a) any customers or classes of customers who will receive enhanced remote-sensing data; and
 - (b) whether the applicant will provide any raw data to any customers or classes of customers; and
 - (c) any plans to provide the raw data generated by the payload—
 - (i) to governments whose territories have been sensed; or
 - (ii) for non-commercial, scientific, educational, or other public benefit purposes.

Evidence of fitness to hold licence

- 5 A declaration as to whether the applicant, or other person who is to have or is likely to have control over the exercise of the rights under the high-altitude licence,—
- (a) has ever been convicted of or found guilty of any offence in New Zealand or any other jurisdiction:
 - (b) is currently charged with any offence in New Zealand or any other jurisdiction:
 - (c) has had an aviation document under the Civil Aviation Act 1990, or regulations or rules made under that Act, suspended or revoked (other than a revocation at the request of the applicant) or had conditions imposed on an aviation document:
 - (d) has ever received notice of a proposed adverse decision from the Director of Civil Aviation under section 11 of the Civil Aviation Act 1990 (or a proposed decision by a regulator under the law of a country other than New Zealand to the effect that a person is not a fit and proper person to hold a licence, a permit, or any other authorisation in respect of the type of activity to which the application relates):
 - (e) has ever had a licence, a permit, or any other authorisation refused, suspended, or revoked under the law of a country other than New Zealand in respect of the type of activity to which the application relates:
 - (f) if the applicant or other person is an individual, has been subject to a compulsory treatment order under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (or an equivalent order under the law of a country other than New Zealand).
- 6 Details of—

- (a) any conviction or finding of guilt declared under item 5(a); and
- (b) any pending charge declared under item 5(b); and
- (c) any suspension or revocation or any conditions declared under item 5(c);
and
- (d) any proposed adverse decision declared under item 5(d); and
- (e) any refusal, suspension, or revocation declared under item 5(e); and
- (f) when any order declared under item 5(f) was made.

Other details

- 7 Details of any current or pending spectrum authorisations—
- (a) for the high-altitude vehicle (and any high-altitude payload carried by the high-altitude vehicle); and
 - (b) for any ground stations in New Zealand to or from which the high-altitude vehicle and any high-altitude payload carried by the high-altitude vehicle is intended to transmit or receive information.

Part 2

Information required in relation to each high-altitude vehicle that is not aircraft

Evidence of technical capability

- 8 Evidence that the applicant is technically capable of conducting a safe launch, including the following information about each person who has technical capability relied on in the evidence:
- (a) the person's name:
 - (b) the person's relationship to the applicant:
 - (c) evidence of the person's relevant qualifications and experience:
 - (d) any other information relevant to the assessment of the person's technical capability.

Safety case

- 9 A safety case that—
- (a) describes the activities proposed under the licence to which the safety case relates; and
Safety critical systems
 - (b) describes any systems—
 - (i) that have the purpose of preventing, or limiting the effect of, risks to public safety; and

- (ii) the failure of which could cause or contribute substantially to a serious risk to public safety; and
- (c) describes the arrangements in place to verify that the systems described in paragraph (b) are or will be suitable and will remain in good condition for the duration of the licence; and

Safety assessment

- (d) provides for—
 - (i) the identification of any serious risks to public safety associated with the activity; and
 - (ii) the nature of each risk, including the likelihood and consequences (including the potential magnitude and severity of the potential consequences); and
 - (iii) the geographical areas likely to be affected by the activity and, if relevant, demographic information about the local community that may be affected by them; and
 - (iv) the measures that the applicant has implemented, or will implement, to minimise the risks to public safety; and

Relevant safety standards

- (e) provides details of all relevant New Zealand and international standards that have been applied or will be applied in relation to the safety of the activity; and

Safety management systems

- (f) describes the systems that the applicant has implemented, or intends to implement, for the purpose of ensuring that the activities under the licence are conducted in a manner that does not create a significant risk of—
 - (i) serious harm to any member of the public; or
 - (ii) significant damage to property owned by a person other than the licensee; and

- (g) provides details of the key personnel responsible for the safety of the proposed activities under the licence; and

Emergency plan

- (h) includes an emergency plan that—
 - (i) effectively addresses all serious risks to public safety of an accident; and
 - (ii) is specific to the proposed activities under the licence and the serious risks to public safety (if any) identified in the safety assessment under paragraph (d); and

- (iii) is integrated into the applicant's safety management systems under paragraph (f); and
- (iv) is understandable by workers, visitors, and other people who are likely to be affected (to the extent necessary for them to fulfil their roles under the plan); and
- (v) provides for the testing, review, and updating of emergency procedures, including the frequency of any testing, review, and updating.

Schedule 7
**Information required about licence, permit, or other authorisation
granted, or likely to be granted, outside New Zealand**

r 11

- 1 The jurisdiction in which the overseas licence, permit, or other authorisation was applied for or granted.
- 2 The name and contact details of the overseas regulator that is considering or has granted the overseas licence, permit, or other authorisation.
- 3 The person who has been granted or is likely to be granted the overseas licence, permit, or other authorisation.
- 4 If the person described in item 3 is not the applicant, that person's relationship to the applicant.
- 5 If the overseas licence, permit, or other authorisation was granted,—
 - (a) the date on which it was granted, the date on which it came into force, and its duration; and
 - (b) its number or identifier (if any); and
 - (c) a copy of it or a description of its contents (including information about any conditions imposed under it); and
 - (d) the date of any suspension or revocation (if it has been suspended or revoked).
- 6 If the overseas licence, permit, or other authorisation has been applied for but not yet granted or declined,—
 - (a) the date of the application; and
 - (b) a description of the licence, permit, or other authorisation applied for.

Schedule 8

Form of infringement notice

r 15

Form Infringement notice

Section 82, Outer Space and High-altitude Activities Act 2017

Infringement Notice No:

Enforcement officer: [*name or number*]

Enforcement authority address for correspondence and queries:

To

Full legal name:

Full address:

Date of birth:

Sex:

Occupation:

Telephone No:

Alleged infringement offence(s) details

Date:

Time:

Day of week:

Details of premises or specific location where alleged infringement offence(s) committed:

Street/road:

Town/city:

Act or omission that you are alleged to have committed:

This is an offence against [*specify provision*]*For each offence, specify the following:*

Offence number	Offence	Infringement fee payable (\$)
1		
2		
3		

Payment of infringement fee(s)

The infringement fee is/fees are* payable within 28 days after [*specify earliest day notice delivered personally or posted*].

*Select one.

Procedures for payment of infringement fee

[*Payment verification stamp*]

[*Method(s) of payment and address for payment*]

Information

If there is anything in these notes you do not understand, you should consult a lawyer.

Payment

- 1 If you pay the infringement fee(s) within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 2 You will have a complete defence against proceedings relating to an alleged offence if the infringement fee is paid to the enforcement authority and received at the address specified for payment within 28 days after the service of a reminder notice in respect of the alleged offence.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 4 You must write to the enforcement authority at the address specified for correspondence and queries if you wish to do any of the following things:
 - (a) raise a matter concerning the circumstances of an alleged offence for consideration by the enforcement authority;
 - (b) deny liability for the alleged offence and exercise your right to request a court hearing;
 - (c) admit liability for the offence but have the court consider submissions as to penalty or otherwise. In your letter, you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

- 5 If you deny liability and request a court hearing, the enforcement authority will, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

- 6 If you admit liability but wish to have the court consider submissions, the enforcement authority will then, if it decides to commence court proceedings in respect of the offence, file your letter with the court. You are not entitled to make oral submissions to the court.
- 7 If the court finds you guilty or if you admit liability and make submissions, costs will be imposed in addition to any penalty.
- 8 Each offence identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged offence individually, and may act in the same way in respect of all alleged offences or in different ways in respect of different alleged offences.
- 9 If it is not clear which alleged offence any payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out in this notice.

Next steps

- 10 If you do not request a hearing and you do not pay the infringement fee within 28 days after the service of this notice, a reminder notice will be sent to you. Please note that, in some circumstances, if you do not receive a reminder notice, you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the relevant address shown in this notice. When writing, please include the date of the alleged infringement offence, the number of this form (shown above), the full legal name of the notice recipient, and your address for replies.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 21 December 2017, are made under the Outer Space and High-altitude Activities Act 2017 (the **Act**).

Part 1 prescribes requirements in relation to—

- applications for launch licences, payload permits, overseas launch licences, overseas payload permits, facility licences, and high-altitude licences; and
- orbital debris mitigation plans.

Regulations 5 and 6 deal with general requirements for all applications under the Act.

Regulations 7 to 10 prescribe the specific information requirements in relation to applications for different types of licences and permits.

Regulations 11 and 12 provide for an alternative procedure in relation to applications for launch licences, payload permits, overseas launch licences, overseas payload permits, and facility licences if an applicant seeks to have the Minister treat a licence, a permit, or any other authorisation granted or likely to be granted outside New Zealand as satisfying criteria for granting the relevant licence or permit under section 51 of the Act.

Regulation 13 prescribes the requirements for an orbital debris mitigation plan.

Regulation 14 provides that an applicant must notify the Minister of any new information or material changes in circumstances relevant to the application as soon as is reasonably practicable after becoming aware of the information or changes.

Part 2 (regulation 15) prescribes the form of infringement notices for the purposes of section 82 of the Act.

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 14 August 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mbie.govt.nz/info-services/sectors-industries/space/new-zealand-space-agency/document-image-library/folder-pdf-library/ris-oshaa-2017-regulations.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 August 2017.

These regulations are administered by the Ministry of Business, Innovation, and Employment.