

Outer Space and High-altitude Activities Bill

Government Bill

Explanatory note

General policy statement

The Outer Space and High-altitude Activities Bill (the **Bill**) establishes a regulatory regime to govern space launches, including both launch vehicles and payloads (eg, satellites), from New Zealand and by New Zealand nationals operating overseas. It also provides a legal framework for high-altitude activities that originate from New Zealand.

The objectives of the Bill are to—

- facilitate the development of a space industry and its safe and secure operation; and
- implement certain international obligations New Zealand has relating to space activities and space technology; and
- manage New Zealand’s liability that arises from its obligations as a launching state; and
- establish a system to control certain high-altitude activities that take place from New Zealand; and
- preserve New Zealand’s national security and national interests:

Facilitating the development of a space industry and its safe and secure operation

The Bill establishes a licensing regime for launches, launch facilities, and payloads, which includes their ongoing operation over the life of the payload. Space activities create significant opportunities for economic development and innovation, but they also give rise to risks to public safety, national security, and the environment. International practice is to manage risk through a licensing regime (an overarching licence to launch and operate a space object with specific requirements implemented through licence conditions).

While a regulatory regime for space activities is necessary, highly prescriptive or onerous provisions in the legislation would have a deterrent effect on the development of a space industry. To avoid this, the Bill establishes a decision-making framework that will allow a risk-based approach with graduated requirements depending on the level of risk. The responsible Minister will be able to tailor the conditions of a licence or permit to take account of the particular circumstances and risks of the proposed activities.

The purposes of the Bill inform the matters that the responsible Minister must take into account when considering an application under the new regime. The primary purpose of the Bill is to facilitate the development of a space industry and its safe, secure, and responsible operation. This purpose also informs the design of the Bill, which gives the responsible Minister broad discretion on the conditions of a licence or permit. An enabling regime provides the necessary flexibility to respond to rapidly evolving space technologies, space applications, and related market demand.

International obligations

In order for space launches to take place from New Zealand, the Government has signed a Technology Safeguards Agreement (the **TSA**) with the United States. The TSA enables the transfer of United States rocket technology to New Zealand and its use and secure management in New Zealand.

The Government has also agreed to accede to the Convention on Registration of Objects Launched into Outer Space done at New York on 14 January 1975 (the **Registration Convention**). The Registration Convention requires a State Party to establish a register of all objects sent into orbit or space. The Bill contains a regulation-making power that will enable regulations that establish a register of space objects.

New Zealand is already a party to 3 other UN space treaties as follows:

- the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (the **Outer Space Treaty**) which was ratified by New Zealand in 1968; and
- the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (the **Rescue Agreement**) which was ratified by New Zealand in 1969; and
- the Convention on International Liability for Damage Caused by Space Objects (the **Liability Convention**) which was ratified by New Zealand in 1974.

Under the Liability Convention, launching States are absolutely liable to pay compensation for damage caused by their space objects on the surface of the earth or to aircraft in flight. Liability for damage caused elsewhere (ie, after the space object is launched into orbit) is fault-based. The Bill includes a provision that authorises the responsible Minister to require an indemnity against the Crown's liability and to set licence conditions that require the applicant to take out insurance for a specified amount.

High-altitude activities

The Bill establishes a legal framework to govern high-altitude activities that originate from New Zealand. This will future-proof the legislation for advances in technology and ensure that different technologies that perform similar functions are treated in a consistent manner. It will also ensure that New Zealand is well positioned to control high-altitude activities that originate from New Zealand.

National security and national interests

The domestic regulation of space launches, payloads, and high-altitude activities is new to New Zealand and requires consideration of how best to manage the national security and national interest risks that may arise from these activities. The Bill establishes a model for managing national security risks comprising a consultation process (this is expected to be sufficient to manage most national security risks) and a certification process (which will act as a veto over the proposed activity in cases where a significant national security risk has been identified).

Enforcement

The Bill includes an offence and penalty regime with penalties aligned with comparable conduct under the Crimes Act 1961 and the Civil Aviation Act 1990. For serious licensing offences (such as launching or procuring the launch of a space object without a permit or intentionally failing to comply with the conditions of a permit), there is a power to arrest offenders and, if necessary, extradite them to New Zealand from another country. Offences related to interference with space objects are necessary to meet our obligations under the TSA, and interference with the intention of use for commercial purposes is akin to the trade secrets offence under the Crimes Act 1961. The Bill provides for the appointment of enforcement officers who will have information-gathering and inspection powers.

Future-proofing the regime

Space technologies are rapidly evolving. There are, for example, new hybrid vehicles that are both aircraft and space craft. To deal with these rapid advances in technology, the Bill contains powers to make regulations prescribing that things or classes of things are or are not launch vehicles, payload, high-altitude vehicles, or launch facilities. This will future-proof the regime and allow for regulations that require only 1 licence where dual functions of a particular technology might otherwise require 2. These regulation-making powers are subject to significant safeguards, including consultation requirements.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2016&no=179>

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 20 May 2016 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

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

- <http://www.mbie.govt.nz/info-services/sectors-industries/space/resolveuid/168c2565eaa4892be7e1b6f830d6e40>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that the Bill comes into force on the day that is 3 months after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 is the purpose clause.

Clause 4 defines terms used in the Bill.

Clause 5 inserts transitional provisions (*see Schedule 1*).

Clause 6 provides that the Act binds the Crown (but does not apply to the New Zealand Defence Force unless express provision is made).

Part 2

Licences and permits

Subpart 1—Launch licences

Clause 7 provides that a person must not, from a launch facility in New Zealand, launch a launch vehicle that is intended to reach outer space or to carry or support the launch of a payload into outer space unless the person has a launch licence.

Clause 8 provides that a person may apply to the Minister for a launch licence and that the application must be made in accordance with prescribed requirements.

Clause 9 requires the Minister to be satisfied of the specified criteria and to consult with the security Ministers before granting a launch licence. *Subclause (2)* provides that the Minister may decline to grant a launch licence if the Minister considers it is not in the national interest and *subclause (4)* provides that the Minister must not grant a launch licence if a certificate is issued under *clause 56*.

Clause 10 sets out the conditions of a launch licence.

Clause 11 provides that a launch licence must specify the date that it comes into force and expires but must not be in force longer than 5 years unless renewed in accordance with *clause 12*.

Clause 12 provides that the Minister may renew a launch licence for further periods of up to 5 years if the Minister continues to be satisfied of the matters in *clause 9*. The Minister may impose further conditions of the kind described in *clause 10* on renewal.

Clause 13 provides that a licensee's obligations survive expiry or revocation of the launch licence and continue until all matters connected to the launch or launches under the licence have been completed.

Clause 14 enables the Minister to vary, suspend, or revoke the licence in certain circumstances after consultation with the security Ministers. *Subclause (3)* provides that the Minister must suspend, revoke, or vary the licence if a certificate is issued under *clause 56*.

Subpart 2—Payload permits

Clause 15 provides that a person must not, from a launch facility in New Zealand, launch, or procure the launch, of a payload that is intended to reach outer space unless a payload permit is held by the person procuring the launch or (if there is no person procuring the launch) the person launching the payload.

Clause 16 provides that a person may apply to the Minister for a payload permit and that the application must be made in accordance with prescribed requirements.

Clause 17 requires the Minister to be satisfied of the specified criteria and to consult with the security Ministers before granting a payload permit. *Subclause (2)* provides that the Minister may decline to grant a payload permit if the Minister considers it is not in the national interest and *subclause (4)* provides that the Minister must not grant a payload permit if a certificate is issued under *clause 56*.

Clause 18 sets out the conditions of a payload permit.

Clause 19 provides that a payload permit must specify the date that the permit comes into force and either the date that the permit expires or the event that triggers expiry.

Clause 20 provides that the permit holder's obligations survive expiry or revocation of the payload permit and continue until all matters connected to the launch or launches under the permit have been completed.

Clause 21 enables the Minister to vary, suspend, or revoke the payload permit in certain circumstances after consultation with the security Ministers. *Subclause (3)* provides that the Minister must suspend, revoke, or vary the permit if a certificate is issued under *clause 56*.

Clause 22 disapplies the presumption in section 114(1) of the Radiocommunications Act 1989 in relation to a payload if a person has a payload permit or a pending payload permit for the payload.

Subpart 3—Licence for launch of launch vehicle overseas

Clause 23 provides that a person must not, from a launch facility outside New Zealand, launch a launch vehicle that is intended to reach outer space or to carry or support the launch of a payload into outer space unless the person has an overseas launch licence.

Clause 24 provides that a person may apply to the Minister for an overseas launch licence and that the application must be made in accordance with prescribed requirements.

Clause 25 requires the Minister to be satisfied of the specified criteria and to consult with the security Ministers before granting an overseas launch licence. *Subclause (2)* provides that the Minister may decline to grant an overseas launch licence if the Minister considers it is not in the national interest and *subclause (4)* provides that the Minister must not grant an overseas launch licence if a certificate is issued under *clause 56* in respect of the proposed activity under the licence.

Clause 26 sets out the conditions of an overseas launch licence.

Clause 27 provides that an overseas launch licence must specify the date that it comes into force and expires but must not be in force longer than 5 years unless renewed in accordance with *clause 28*.

Clause 28 provides that the Minister may renew an overseas launch licence for further periods of up to 5 years if the Minister continues to be satisfied of the matters in *clause 25(1)*. The Minister may impose further conditions of a kind specified in *clause 26* on renewal.

Clause 29 provides that a licensee's obligations survive expiry or revocation of an overseas launch licence and continue until all matters connected to the launch or launches under the licence have been completed.

Clause 30 enables the Minister to vary, suspend, or revoke the licence in certain circumstances after consultation with the security Ministers. *Subclause (3)* provides that the Minister must suspend, revoke, or vary the licence if a certificate is issued under *clause 56*.

Subpart 4—Permit for launch of payload overseas

Clause 31 provides that a person must not, from a launch facility outside New Zealand, launch, or procure the launch, of a payload that is intended to reach outer space unless the person procuring the launch has, or (if there is no person procuring the launch) the person launching the payload has, an overseas payload permit.

Clause 32 provides that a person may apply to the Minister for an overseas payload permit and that the application must be made in accordance with prescribed requirements.

Clause 33 requires the Minister to be satisfied of the specified criteria and to consult with the security Ministers before granting an overseas payload permit. *Subclause (2)* provides that the Minister may decline to grant an overseas payload permit if the Min-

ister considers it is not in the national interest and *subclause (4)* provides that the Minister must not grant an overseas payload permit if a certificate is issued under *clause 56*.

Clause 34 sets out the conditions of an overseas payload permit.

Clause 35 provides that an overseas payload permit must specify the date that the permit comes into force and either the date that the permit expires or the event that triggers expiry.

Clause 36 provides that a permit holder's obligations under a payload permit survive expiry or revocation of the permit and continue until all matters connected to the launch have been completed even if the permit expires or is revoked.

Clause 37 enables the Minister to vary, suspend, or revoke the payload permit in certain circumstances after consultation with the security Ministers. *Subclause (3)* provides that the Minister must suspend, revoke, or vary the permit if a certificate is issued under *clause 56*.

Subpart 5—Facility licences

Clause 38 provides that a person must not operate a launch facility in New Zealand unless the person has a facility licence.

Clause 39 provides that a person may apply to the Minister for a facility licence and that the application must be made in accordance with prescribed requirements.

Clause 40 requires the Minister to be satisfied of the specified criteria and to consult with the security Ministers before granting a facility licence. *Subclause (2)* provides that the Minister may decline to grant a facility licence if the Minister considers it is not in the national interest and *subclause (4)* provides that the Minister must not grant a facility licence if a certificate is issued under *clause 56*.

Clause 41 sets out the conditions of an facility licence.

Clause 42 provides that a facility licence must specify the date that it comes into force and expires but must not be in force longer than 5 years unless renewed in accordance with *clause 43*.

Clause 43 provides that the Minister may renew a facility licence for further periods of up to 5 years if the Minister continues to be satisfied of the matters in *clause 40(1)*. The Minister may impose further conditions of a kind described in *clause 41* on renewal.

Clause 44 enables the Minister to vary, suspend, or revoke the facility licence in certain circumstances after consultation with the security Ministers. *Subclause (3)* provides that the Minister must suspend, revoke, or vary the licence if a certificate is issued under *clause 56*.

Subpart 6—High-altitude licences

Clause 45 defines launch for the purposes of *subpart 6*.

Clause 46 provides that a person must not launch a high altitude vehicle that is capable of or intended to travel above controlled airspace unless the person has a high altitude licence.

Clause 47 provides that a person may apply to the Minister for a high altitude licence and that the application must be made in accordance with prescribed requirements.

Clause 48 requires the Minister to be satisfied of the specified criteria and to consult with the security Ministers before granting a high altitude licence. *Subclause (2)* provides that the Minister may decline to grant a launch licence if the Minister considers it is not in the national interest and *subclause (4)* provides that the Minister must not grant a launch licence if a certificate is issued under *clause 56*.

Clause 49 sets out the conditions of a high-altitude licence.

Clause 50 enables the Minister to vary, suspend, or revoke a high-altitude licence in certain circumstances after consultation with the security Ministers. *Subclause (3)* provides that the Minister must suspend, revoke, or vary the licence if a certificate is issued under *clause 56*.

Subpart 7—General provisions relating to licences and permits under this Part

Clause 51 provides that, for the purposes of performing functions or exercising powers under the Act, the Minister may ask the applicant for any further information that the Minister requires and may refuse to grant a licence or permit if the applicant does not provide the information within a reasonable time or the Minister is unable to verify the information.

Clause 52 provides for the Minister to take into account authorisations granted in countries other than New Zealand as satisfying some or all the criteria for granting a launch licence, payload permit, overseas launch licence, or overseas payload permit.

Clause 53 sets out the test for assessing whether a person is a fit and proper person for a purpose under the Act.

Clause 54 requires a licensee or permit holder to obtain the approval of the Minister before transferring an interest in a licence or permit or undergoing a change of control.

Clause 55 provides that the Minister may grant consent to a transfer or change of control subject to conditions.

Clause 56 sets out the process for consultation with the security Ministers and referral, if the Minister or the security Ministers thinks it appropriate, to the Minister for National Security and Intelligence. The Minister for National Security and Intelligence may, after further consultation and taking into account the advice of intelligence and security agencies, issue a certificate that the activity or proposed activity poses a significant risk to national security. A certificate issued under this clause (subject only to *clause 57*) is conclusive evidence of the matters stated in it, and the advice given by an intelligence and security agency may not be challenged, reviewed, or called in question in any court.

Clause 57 provides that advice given by an intelligence and security agency under *clause 56* may be reviewed in accordance with the Inspector-General of Intelligence and Security Act 1996.

Part 3

Enforcement, accidents, and other matters

Subpart 1—Enforcement officers and enforcement powers

Enforcement officers

Clause 58 provides for the chief executive to appoint enforcement officers for the purpose of the Act.

Clause 59 provides that an enforcement officer must produce evidence of his or her appointment under this Act when requested to do so.

Clause 60 sets out the functions of enforcement officers. These are to—

- investigate compliance with the Act, regulations, and the conditions of licences and permits; and
- take all reasonable steps to ensure that the Act, regulations, and the conditions of licences and permits are complied with; and
- promote compliance with the requirements of the Act, regulations, and the conditions of licences and permits by providing information, education, and advice about those requirements.

Powers of enforcement officers

Clause 61 sets out the powers of enforcement officers. These include powers to inspect launch facilities and other places, seize and detain launch vehicles and other items, require the production of documents, question licensees and permit holders, and test launch vehicles and other items.

Clause 62 contains specific provisions in relation to the entry (by an enforcement officer acting under *clause 61*) to a dwellinghouse or marae. An entry to a dwellinghouse or marae may be made only by warrant.

Clause 63 provides that for the purpose of investigating compliance with the Act, regulations, or conditions of licences and permits, a constable may exercise any of the powers of an enforcement officer under *clause 61*.

Subpart 2—Secure areas

Clause 64 provides for the Minister to declare an area to be a security area if—

- any launch vehicle, payload, related equipment, or technical data is or may be held there; and
- those items relate to the launching of vehicles or payloads that are intended to reach outer space.

The Minister may declare an area within a security area to be a security enhanced area. The clause sets out restrictions on who may be in a security area or security enhanced area. It confers powers on enforcement officers to enforce these restrictions.

Subpart 3—Accidents

Clause 65 provides for the Minister to declare an area as a debris recovery area after an accident.

Subpart 4—Offences

Offences relating to licences and permits

Clause 66 makes it an offence to launch a launch vehicle without a licence contrary to *clause 7 or 23*. The penalty for an individual is imprisonment not exceeding 1 year or a fine not exceeding \$50,000, or both. The penalty for a body corporate is a fine not exceeding \$250,000.

Clause 67 makes it an offence to launch or procure the launch of a payload without a payload permit contrary to *clause 15 or 31*. The penalty for an individual is imprisonment not exceeding 1 year or a fine not exceeding \$50,000, or both. The penalty for a body corporate is a fine not exceeding \$250,000.

Clause 68 makes it an offence to operate a launch facility without a licence contrary to *clause 38*. The penalty for an individual is imprisonment not exceeding 1 year or a fine not exceeding \$50,000, or both. The penalty for a body corporate is a fine not exceeding \$250,000.

Clause 69 makes it an offence to launch a high-altitude vehicle without a licence contrary to *clause 46*. The penalty for an individual is imprisonment not exceeding 1 year or a fine not exceeding \$50,000, or both. The penalty for a body corporate is a fine not exceeding \$250,000.

Clause 70 makes it an offence to supply materially false or misleading material for the purposes of an application for a licence or permit. The penalty for an individual is a fine not exceeding \$10,000. The penalty for a body corporate is a fine not exceeding \$50,000.

Clause 71 makes it an offence for the holder of a licence or permit to fail to comply with any condition of the licence or permit.

Providing false or misleading information to enforcement officer

Clause 72 makes it an offence to provide information to an enforcement officer that the person supplying the information knows, or ought to know, is false or misleading. The penalty for an individual is a fine not exceeding \$10,000. The penalty for a body corporate is a fine not exceeding \$50,000.

Other offences

Clause 73 creates 2 offences in relation to interfering with a launch vehicle and related equipment. It is an offence to—

- take, remove, use, or interfere with a launch vehicle, a payload, related equipment, or technical data without lawful excuse; or
- receive a launch vehicle, a payload, related equipment, or technical data that is taken or removed without lawful excuse.

The penalty for this offence for an individual is a fine not exceeding \$1,000. The penalty for a body corporate is a fine not exceeding \$10,000.

A second and more serious offence is to take, remove, use, interfere, or receive a launch vehicle, payload, related equipment or technical data as above with the intention of using or disposing of it for an industrial or commercial purpose. The penalty for an individual is imprisonment not exceeding 5 years or a fine not exceeding \$100,000, or both. The penalty for a body corporate is a fine not exceeding \$500,000.

Clause 74 makes it an offence for a person in a security area or security enhanced area to fail to comply with a request made by an enforcement officer to verify the person's identity or to refuse to leave the area when ordered to do so. The penalty is imprisonment not exceeding 3 months or a fine not exceeding \$100,000, or both.

Clause 75 provides that a person in control of a security area or security enhanced area must take all practicable steps to have in place at all times a system for ensuring that persons in that area visibly display identity cards. Failure to do this is an offence. The penalty for an individual is a fine not exceeding \$50,000. The penalty for a body corporate is a fine not exceeding \$100,000.

Clause 76 makes it an offence to—

- take any photograph, make any sketch, plan, model, or note, or otherwise record any image of any thing in a debris recovery area; or
- take a sample of any thing from a debris recovery area.

The penalty is imprisonment not exceeding 3 months or a fine not exceeding \$2,000, or both.

Additional penalty for certain offences

Clause 77 provides for additional monetary penalties in relation to certain offences that may relate to liability New Zealand under the Outer Space Treaty or the Liability Convention. This may include an order indemnify the Crown for any liability the Crown has incurred. Infringement offences

Clause 78 makes it an offence to fail to display an identity card when in a security area of security enhanced area. This is an infringement offence.

Clause 79 makes it an offence to provide false or misleading information to an enforcement officer. This is an infringement offence.

Certain offences deemed to be included in extradition treaties

Clause 80 provides that offences against *clauses 66, 67, 71(1), and 73(3)* are deemed to be included in extradition treaties in force between New Zealand and any country that is a party to the Liability Convention.

Provisions concerning infringement offences

Clauses 81 to 84 set out certain procedural matters in relation to the prosecution of infringement offences.

Subpart 5—General provisions

Requirement to notify Minister of intention to develop or acquire missile technology

Clause 85 provides that a person in New Zealand who intends to develop or acquire a category 1 rocket system within the meaning of the Missile Technology Control Regime must notify the Minister.

Review of this Act

Clause 86 provides for a review of the Act to be commenced 3 years after it comes into force.

Notices

Clause 87 provides for the manner of giving notices under the Act.

Regulations

Clause 88 contains regulation-making powers.

Amendment to Search and Surveillance Act 2012

Clause 89 amends the Search and Surveillance Act 2012. The amendment relates to *clauses 61 and 62*. In those clauses certain provisions of the Search and Surveillance Act 2012 are applied. The amendment adds a reference to these clauses to the Schedule of the Search and Surveillance Act 2012.

Amendment to Summary Proceedings Act 1957

Clause 90 amends the Summary Proceedings Act 1957 to add a reference to infringement notices under this Act to the definition of infringement notice in that Act. This links the notices to the procedure in that Act.

Amendment to Health and Safety at Work Act 2015

Clause 91 amends the Health and Safety at Work Act 2015 to add a reference to this Act to the definition of relevant health and safety legislation in that Act.

Amendment to Privacy Act 1993

Clause 92 amends the Privacy Act 1993 to enable the Ministry of Business, Innovation, and Employment to have access, for the purposes of determining whether a person is a fit and proper person under *clause 53*, to Police records related to overseas hearings, offender identity, and wanted persons.

Schedule 1 contains transitional provisions.

Schedule 2 contains the amendment to the Search and Surveillance Act 2012 (see *clause 89*).

Hon Steven Joyce

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Schedule 1 48

Transitional, savings, and related provisions

Schedule 2 50

Amendment to Search and Surveillance Act 2012**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Outer Space and High-altitude Activities Act **2016**.

2 Commencement

This Act comes into force on the day that is 3 months after the date on which this Act receives the Royal assent. 5

Part 1**Preliminary provisions****3 Purpose**

The purpose of this Act is to— 10

- (a) facilitate the development of a space industry and provide for its safe and secure operation:
- (b) implement certain international obligations of New Zealand relating to space activities and space technology:
- (c) manage any potential or actual liability that may arise from the space industry: 15
- (d) establish a system for the regulation of space activities and certain high-altitude activities:
- (e) preserve New Zealand's national security and national interests.

4 Interpretation 20

In this Act, unless the context otherwise requires,—

accident includes a launch failure

aircraft has the same meaning as in section 2 of the Civil Aviation Act 1990

airport means an airport, as defined by section 2 of the Airport Authorities Act 1966, that is operated by an airport authority or airport company under that Act that undertakes identified airport activities within the meaning of that Act 25

chief executive means the chief executive of the department of State that, with the authority of the Prime Minister, is responsible for the administration of this Act

controlled airspace means controlled airspace as designated in rules made under section 29A of the Civil Aviation Act 1990 5

facility licence means a licence granted under **subpart 5 of Part 2**

ground station, subject to any regulations made under **section 88(1)(12)**, means a facility or place in New Zealand in which equipment is used to track or communicate with a launch vehicle or payload that is licensed under this Act

high-altitude licence means a licence granted under **subpart 6 of Part 2** 10

high-altitude vehicle, subject to any regulations made under **section 88(1)(13)**, means an aircraft or any other vehicle that travels, is intended to travel, or is capable of travelling above controlled airspace

intelligence and security agency means—

- (a) the New Zealand Security Intelligence Service: 15
- (b) the Government Communications Security Bureau

International Radio Regulations means the Radio Regulations annexed to the International Telecommunications Convention, done at Geneva in 1992; and includes any amendment to or replacement of the regulations

launch includes an attempted launch 20

launch facility, subject to any regulations made under **section 88(1)(12)**,—

- (a) means a facility (whether fixed or mobile) or place from which it is intended to launch a launch vehicle; and
- (b) includes all other facilities that are necessary to launch a launch vehicle from the facility or place; but 25
- (c) does not include an airport

launch licence means a licence granted under **subpart 1 of Part 2**

launch vehicle, subject to any regulations made under **section 88(1)(11)**, means—

- (a) a vehicle that carries or is capable of carrying a payload; or 30
- (b) any component part of the vehicle

Liability Convention means the Convention on International Liability for Damage Caused by Space Objects done at London, Moscow, and Washington on 29 March 1972

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 35

New Zealand national means—

- (a) a New Zealand citizen or permanent resident of New Zealand:
- (b) a body corporate established by or under the law of New Zealand

Outer Space Treaty means the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies done at London, Moscow, and Washington on 27 January 1967 5

overseas launch licence means a licence granted under **subpart 3 of Part 2**

overseas payload permit means a permit granted under **subpart 4 of Part 2**

payload, subject to any regulations made under **section 88(1)(11)**,—

- (a) means an object that a person intends to place in outer space by means of a launch vehicle or, as the case may be, to place above controlled airspace by means of a high-altitude vehicle; and 10
- (b) includes components of a launch vehicle or high-altitude vehicle specifically designed or adapted for the object (but does not otherwise include a launch vehicle or high-altitude vehicle or any of its component parts); and 15
- (c) includes a load to be carried for testing purposes or otherwise on a non-profit basis

payload permit means a permit granted under **subpart 2 of Part 2**

Registration Convention means the Convention on Registration of Objects Launched into Outer Space done at New York on 14 January 1975 20

related equipment, in relation to a launch vehicle, high-altitude vehicle, or payload, means support equipment, ancillary items, components, and spare parts required to carry out the launch or other activities

security Ministers means— 25

- (a) the Minister in charge of the New Zealand Security Intelligence Service; and
- (b) the Minister responsible for the Government Communications Security Bureau

space object, subject to any regulations made under **section 88(1)(11)**, means— 30

- (a) a launch vehicle that is launched, or is intended to be launched, into outer space; or
- (b) a payload that is carried or launched, or intended to be carried or launched, by a launch vehicle into outer space; or 35
- (c) the launch vehicle and the payload (if any) carried by the launch vehicle; or
- (d) any component part of the launch vehicle or payload, even if—
 - (i) the part does not reach, or is not intended to reach, outer space; or

- (ii) the part results from the separation of a payload or payloads from a launch vehicle after launch

technical data—

- (a) means information—
 - (i) in any form, including oral information, blueprints, drawings, photographs, video materials, plans, instructions, computer software, and documents; and 5
 - (ii) that is required for the design, engineering, development, production, processing, manufacture, use, operation, overhaul, repair, maintenance, modification, enhancement, or modernisation of launch vehicles or payloads or related equipment; but 10
- (b) does not include publicly available information.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms. 15

6 Act binds the Crown

- (1) Subject to **subsection (2)**, this Act binds the Crown.
- (2) Except as otherwise expressly provided in this Act or any other Act, or in regulations made under this Act, nothing in this Act or in regulations made under this Act applies to the New Zealand Defence Force. 20

Part 2

Licences and permits

Subpart 1—Launch licences

7 Launch of launch vehicle from New Zealand requires launch licence

A person must not, from a launch facility in New Zealand, launch a launch vehicle that is intended to reach outer space or to carry or support the launch of a payload that is intended to reach outer space unless the person has a launch licence for the launch of the launch vehicle from the launch facility. 25

8 Application for launch licence

- (1) A person may apply to the Minister for a launch licence for the launch of 1 or more launch vehicles of a particular type from a particular launch facility. 30
- (2) The application must be made in accordance with prescribed requirements.

9 When launch licence may be granted

- (1) The Minister may grant a launch licence only if the Minister is satisfied that—

-
- (a) the applicant or a person who is to conduct the launch on the applicant's behalf is technically capable of conducting a safe launch; and
- (b) the applicant and any person who is to have or is likely to have control over the exercise of the rights under the licence—
- (i) are fit and proper persons to hold a launch licence or have control over the exercise of rights under the licence; and 5
- (ii) meet any other prescribed requirements; and
- (c) the applicant has taken all reasonable steps to manage risks to public safety; and
- (d) the proposed launch or launches under the licence— 10
- (i) are consistent with New Zealand's international obligations; and
- (ii) meet any other prescribed requirements.
- (2) The Minister may, despite being satisfied of all the matters in **subsection (1)**, decline to grant a launch licence if the Minister considers that a proposed launch under the licence would not be in the national interest. 15
- (3) Before granting a launch licence, the Minister must consult the security Ministers in accordance with **section 56**.
- (4) The Minister must not grant a launch licence if a certificate is issued under **section 56** in relation to the proposed launch.
- 10 Conditions, indemnity, and insurance relating to launch licence** 20
- (1) A launch licence is subject to the following conditions:
- (a) a condition that the licensee must provide to the Minister, in accordance with any prescribed requirements, any prescribed information and any information requested by the Minister under **section 51**, which may include— 25
- (i) the date, location, and intended trajectory of each proposed launch under the licence; and
- (ii) details of the intended and actual basic orbital parameters (including the nodal period, inclination, apogee, and perigee) of any part of a launch vehicle that reaches or is intended to reach outer space; and 30
- (iii) details of the ground station or ground stations that will be used to track or communicate with the launch vehicle; and
- (b) a condition that the licensee must notify the Minister, in accordance with any prescribed requirements, if any of the following occurs: 35
- (i) any changes relating to the licence that mean any information provided to the Minister in relation to the licence is no longer accurate; or

- (ii) in a case where the Minister has advised the licensee that the Minister took into account, under **section 52**, a licence, permit, or other authorisation granted to the licensee in a country other than New Zealand, that licence, permit, or other authorisation changes, expires, or is revoked; or 5
 - (iii) any part of a launch vehicle that reaches outer space is no longer in earth orbit (unless the licensee does not know, and could not reasonably know, that the part is no longer in earth orbit); and
- (c) a condition that the licensee must—
 - (i) comply with the International Radio Regulations: 10
 - (ii) consult—
 - (A) Airways Corporation of New Zealand Limited; and
 - (B) Maritime New Zealand; and
 - (C) any meteorological service specified by the Minister in the licence to obtain meteorological information applicable to the launch; and 15
- (d) a condition that the licensee must have, or be satisfied that a person has,—
 - (i) a payload permit for each payload that is intended to be carried or launched by the launch vehicle into outer space; and 20
 - (ii) all consents, approvals, permissions, or other authorisations required under New Zealand law for the proposed launch, including under environmental legislation and civil aviation legislation; and
- (e) a condition that the licensee must conduct the launch and operations in a manner that— 25
 - (i) minimises the risk of contamination of outer space or adverse changes to the earth’s environment; and
 - (ii) takes into account the activities of others in the use of outer space; and
 - (iii) is consistent with New Zealand’s international obligations; and 30
 - (iv) complies with New Zealand law, including the Civil Aviation Act 1990, any regulations and rules made under that Act, and all environmental legislation; and
- (f) any conditions prescribed by regulations; and
- (g) any other conditions imposed by the Minister including, without limitation, any conditions that the Minister considers necessary or desirable in order to— 35
 - (i) give effect to New Zealand’s international obligations; or
 - (ii) protect national security; or

- (iii) protect national interests; or
 - (iv) ensure public safety; or
 - (v) avoid interference with the activities of others in the peaceful exploration and use of outer space; or
 - (vi) minimise the risk of contamination of outer space or adverse changes in the earth's environment; or 5
 - (vii) manage New Zealand's potential liability under international law (including under the Liability Convention and the Outer Space Treaty).
- (2) A launch licence must also contain conditions specifying (including in any manner prescribed by regulations) the type and amount of insurance that the licensee must hold. 10
- (3) The Minister may require a licensee, as a condition of the licence, to indemnify the Crown in whole or in part against—
- (a) any claim brought against the Crown under the Liability Convention or the Outer Space Treaty; or 15
 - (b) any other claim brought against the Crown under international law in relation to an act or omission of the licensee under this Act.

11 Duration of launch licence

- (1) A launch licence must specify the date on which it comes into force and the expiry date. 20
- (2) The expiry date must not be later than 5 years after the date on which the launch licence comes into force.
- (3) A launch licence expires on the expiry date unless it is—
- (a) renewed in accordance with **section 12**; or 25
 - (b) revoked or suspended earlier under **section 14**.

12 Renewal of launch licence

- (1) The Minister may renew a launch licence for a further period of up to 5 years if the Minister continues to be satisfied of the matters in **section 9**.
- (2) The Minister may impose further conditions of a kind described in **section 10** when renewing the licence. 30

13 Continuing obligations of licensee

The obligations of a licensee under a launch licence (including, without limitation, any obligations under an indemnity required under **section 10(3)**) survive the expiry or revocation of the launch licence and continue until all matters connected to the launch or launches under the launch licence have been completed. 35

14 Minister may vary, revoke, or suspend launch licence

- (1) The Minister may, at any time, vary a launch licence on any conditions that the Minister thinks fit, or suspend or revoke a launch licence,—
- (a) with the prior written consent of the licensee; or
 - (b) on the written application of the licensee; or 5
 - (c) if the Minister believes on reasonable grounds that—
 - (i) the licensee has breached the Act, the regulations, or a condition of the licence; or
 - (ii) the revocation, variation, or suspension is necessary in the interests of national security, public safety, or compliance with any of New Zealand’s international obligations, or other national interests; or 10
 - (iii) a licence, permit, or other authorisation granted to the licensee in a country other than New Zealand that the Minister took into account under **section 52** has changed, expired, or been revoked and the Minister considers that the change, expiry, or revocation affects interests of national security, public safety, or New Zealand’s compliance with any of New Zealand’s international obligations, or other national interests; or 15
 - (d) for any other reason specified in the licence. 20
- (2) Before varying, suspending, or revoking a launch licence, the Minister must consult the security Ministers in accordance with **section 56**.
- (3) The Minister must suspend or revoke a licence if a certificate is issued under **section 56**.

Subpart 2—Payload permits 25

15 Launch or operation of payload from New Zealand requires payload permit

- (1) A person must not, from a launch facility in New Zealand, launch a payload that is intended to reach outer space unless either that person or another person has a payload permit for the launch of the payload from the launch facility and the operation of the payload in outer space. 30
- (2) A person must not, from a launch facility in New Zealand, procure the launch of a payload that is intended to reach outer space unless that person has a payload permit for the launch of the payload from the launch facility and the operation of the payload in outer space. 35
- (3) Despite **subsection (2)**, only 1 permit is needed in respect of a payload.

16 Application for payload permit

- (1) A person may apply to the Minister for a payload permit for the launch of 1 or more payloads of a particular type from a particular launch facility.
- (2) The application must be made in accordance with prescribed requirements.

17 When payload permit may be granted

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- (1) The Minister may grant a payload permit only if the Minister is satisfied that—
 - (a) the applicant has taken all reasonable steps to safely manage the operation of the payload; and
 - (b) the proposed operation of the payload or payloads under the permit is consistent with New Zealand's international obligations; and 10
 - (c) the applicant and the proposed operation of the payload or payloads under the permit meet any other prescribed requirements.
- (2) The Minister may, despite the Minister being satisfied of all the matters in **subsection (1)**, decline to grant a payload permit if the Minister considers that the proposed operation of a payload under the permit would not be in the national interest. 15
- (3) Before granting a payload permit, the Minister must consult the security Ministers in accordance with **section 56**.
- (4) The Minister must not grant a payload permit if a certificate is issued under **section 56** in relation to the payload. 20

18 Conditions, indemnity, and insurance relating to payload permit

- (1) A payload permit is subject to the following conditions:
 - (a) a condition that the permit holder must provide to the Minister, in accordance with any prescribed requirements, any prescribed information and any information requested by the Minister under **section 51**, which may include— 25
 - (i) the date and location of each proposed launch of a payload under the permit; and
 - (ii) details of the intended and actual basic orbital parameters (including the nodal period, inclination, apogee, and perigee) of the payload that reaches or is intended to reach outer space; and 30
 - (iii) details of the ground station or ground stations that will be used to track or communicate with the payload; and
 - (b) a condition that the permit holder must notify the Minister, in accordance with any prescribed requirements, of any of the following occurrences: 35
 - (i) any changes relating to the licence that mean any information provided to the Minister in relation to the permit is no longer accurate; or

-
- (ii) in a case where the Minister has advised the permit holder that the Minister took into account, under **section 52**, a licence, permit, or other authorisation granted to the permit holder in a country other than New Zealand, that licence, permit, or other authorisation changes, expires, or is revoked; or 5
 - (iii) the payload is no longer in earth orbit (unless the permit holder does not know, and could not reasonably know, that the payload is no longer in earth orbit); and
 - (c) a condition that the permit holder must comply with the International Radio Regulations; and 10
 - (d) a condition that the permit holder must conduct operations of each payload in a manner that—
 - (i) minimises the risk of contamination of outer space or adverse changes in the earth’s environment; and
 - (ii) takes into account the activities of others in the use of outer space; and 15
 - (iii) is consistent with New Zealand’s international obligations; and
 - (iv) avoids harmful interference with outer space and terrestrial radio-communications; and
 - (e) any conditions prescribed by regulations; and 20
 - (f) any other conditions that the Minister considers necessary or desirable in order to—
 - (i) give effect to New Zealand’s international obligations; or
 - (ii) protect national security; or
 - (iii) protect national interests; or 25
 - (iv) ensure public safety; or
 - (v) avoid interference with the activities of others in the peaceful exploration and use of outer space; or
 - (vi) minimise the risk of contamination of outer space or adverse changes in the earth’s environment; or 30
 - (vii) manage New Zealand’s potential liability under international law (including under the Liability Convention and the Outer Space Treaty).
 - (2) The Minister may require, as a condition of the permit, a permit holder to—
 - (a) indemnify the Crown in whole or in part against— 35
 - (i) any claim brought against the Crown under the Liability Convention or the Outer Space Treaty; or

- (ii) any other claim brought against the Crown under international law in relation to an act or omission of the permit holder under this Act; and
- (b) hold insurance of a type and an amount (including a type and an amount calculated in a manner prescribed in regulations), and containing any provisions, specified by the Minister. 5
- 19 Duration of payload permit**
- (1) A payload permit must specify—
- (a) the date on which it comes into force; and
- (b) either— 10
- (i) the date on which the payload permit expires; or
- (ii) that the payload permit expires on the occurrence of a particular event (rather than at a specified time).
- (2) A payload permit expires in the manner specified in the payload permit unless revoked or suspended earlier under **section 21**. 15
- 20 Continuing obligations of permit holder**
- The obligations of a permit holder under a payload permit (including, without limitation, any obligations under an indemnity required under **section 18(2)(a)**) survive the expiry or revocation of the payload permit and continue until all matters connected to the operation of the payload or payloads under the payload permit have been completed. 20
- 21 Minister may vary, revoke, or suspend payload permit**
- (1) The Minister may, at any time, vary a payload permit on any conditions that the Minister thinks fit, or suspend or revoke a payload permit,—
- (a) with the prior written consent of the permit holder; or 25
- (b) on the written application of the permit holder; or
- (c) if the Minister believes on reasonable grounds that—
- (i) the permit holder has breached the Act, the regulations, or a condition of the payload permit; or
- (ii) the revocation, variation, or suspension is necessary in the interests of national security, public safety, or compliance with any of New Zealand’s international obligations, or other national interests; or 30
- (iii) a licence, permit, or other authorisation granted to the permit holder in a country other than New Zealand that the Minister took into account under **section 52** has changed, expired, or been revoked and the Minister considers that the change, expiry, or revocation affects interests of national security, public safety, other na- 35

- tional interests, or New Zealand’s compliance with any of New Zealand’s international obligations; or
- (d) for any other reason specified in the permit.
- (2) Before varying, suspending, or revoking a payload permit, the Minister must consult the security Ministers in accordance with **section 56**. 5
- (3) The Minister must, if a certificate is issued under **section 56** in relation to a payload or payloads under a payload permit, do 1 or both of the following:
- (a) suspend or revoke the payload permit:
- (b) vary the payload permit to prohibit the launch of the relevant payload or payloads. 10
- 22 Radiocommunications Act 1989 presumption does not apply to payloads under payload permit**
- The presumption in section 114(1) of the Radiocommunications Act 1989 does not apply if—
- (a) a payload is, or contains, a radio transmitter (as defined in section 2(1) of that Act); and 15
- (b) a person—
- (i) has a payload permit for the payload; or
- (ii) has applied for a payload permit under **section 16** in respect of the payload and the Minister has not yet decided whether to grant or decline to grant the permit under **section 17**. 20
- Subpart 3—Licence for launch of launch vehicle overseas
- 23 Overseas launch of launch vehicle requires overseas launch licence**
- A New Zealand national must not, from a launch facility outside New Zealand, launch a launch vehicle that is intended to reach outer space or to carry or support the launch of a payload that is intended to reach outer space unless the New Zealand national has an overseas launch licence for the launch of the launch vehicle from the launch facility. 25
- 24 Application for overseas launch licence**
- (1) A person may apply to the Minister for an overseas launch licence for the launch of 1 or more launch vehicles of a particular type from a particular launch facility outside New Zealand. 30
- (2) The application must be made in accordance with prescribed requirements.
- 25 When overseas launch licence may be granted**
- (1) The Minister may grant an overseas launch licence only if the Minister is satisfied that— 35

- (a) the applicant or a person who is to conduct the launch on the applicant's behalf is technically capable of conducting a safe launch; and
 - (b) the applicant and any person who is to have or is likely to have control over the exercise of the rights under the licence—
 - (i) are fit and proper persons to hold a licence or have control over the exercise of rights under the licence; and 5
 - (ii) meet any other prescribed requirements; and
 - (c) the applicant has taken all reasonable steps to manage risks to public safety; and
 - (d) the proposed launch or launches under the licence— 10
 - (i) are consistent with New Zealand's international obligations; and
 - (ii) meet any other prescribed requirements.
- (2) The Minister may, despite being satisfied of all the matters in **subsection (1)**, decline to grant an overseas launch licence if the Minister considers that a proposed launch under the licence would not be in the national interest. 15
- (3) Before granting an overseas launch licence, the Minister must consult the security Ministers in accordance with **section 56**.
- (4) The Minister must not grant an overseas launch licence if a certificate is issued under **section 56** in relation to the proposed launch or launches under the licence. 20

26 Conditions, indemnity, and insurance relating to overseas launch licence

- (1) An overseas launch licence is subject to the following conditions:
- (a) a condition that the licensee must provide to the Minister, in accordance with any prescribed requirements, any prescribed information and any information requested by the Minister under **section 51**, which may include— 25
 - (i) the date, location, and intended trajectory of each proposed launch under the licence; and
 - (ii) details of the intended and actual basic orbital parameters (including the nodal period, inclination, apogee, and perigee) of any part of a overseas launch vehicle that reaches or is intended to reach outer space; and 30
 - (b) a condition that the licensee must notify the Minister, in accordance with any prescribed requirements, if any of the following occurs:
 - (i) any changes relating to the licence that mean any information provided to the Minister in relation to the licence is no longer accurate; or 35
 - (ii) in a case where the Minister has advised the licensee that the Minister took into account, under **section 52**, a licence, permit, or

- other authorisation granted to the licensee in a country other than New Zealand, that licence, permit, or other authorisation changes, expires, or is revoked; or
- (iii) any part of a launch vehicle that reaches outer space is no longer in earth orbit (unless the licensee does not know, and could not reasonably know, that the part is no longer in earth orbit); and 5
- (c) any other conditions prescribed by regulations; and
- (d) any other conditions imposed by the Minister including, without limitation, any conditions that the Minister considers necessary or desirable in order to— 10
- (i) give effect to New Zealand’s international obligations; or
- (ii) protect national security; or
- (iii) protect national interests; or
- (iv) ensure public safety; or
- (v) avoid interference with the activities of others in the peaceful exploration and use of outer space; or 15
- (vi) minimise the risk of contamination of outer space or adverse changes in the earth’s environment; or
- (vii) manage New Zealand’s potential liability under international law (including under the Liability Convention and the Outer Space Treaty). 20
- (2) An overseas launch licence must also contain conditions specifying (including in any manner prescribed by regulations) the type and amount of insurance that the licensee must hold.
- (3) The Minister may require a licensee, as a condition of the licence, to indemnify the Crown in whole or in part against— 25
- (a) any claim brought against the Crown under the Liability Convention or the Outer Space Treaty; or
- (b) any other claim brought against the Crown under international law in relation to an act or omission of the licensee under this Act. 30
- 27 Duration of overseas launch licence**
- (1) An overseas launch licence must specify the date on which it comes into force and the expiry date.
- (2) The expiry date must not be later than 5 years after the date on which the overseas launch licence is granted. 35
- (3) An overseas launch licence expires on the expiry date unless it is—
- (a) renewed in accordance with **section 28**; or
- (b) revoked or suspended earlier under **section 30**.

28 Renewal of overseas launch licence

- (1) The Minister may renew an overseas launch licence for a further period of up to 5 years if the Minister continues to be satisfied of the matters in **section 25(1)**.
- (2) The Minister may impose further conditions of a kind described in **section 26** when renewing the licence. 5

29 Continuing obligations of licensee

The obligations of a licensee under an overseas launch licence (including, without limitation, any obligations under an indemnity required under **section 26(3)**) survive the expiry or revocation of the licence and continue until all matters connected to the launch or launches under the licence have been completed. 10

30 Minister may vary, revoke, or suspend overseas launch licence

- (1) The Minister may, at any time, vary an overseas launch licence on any conditions that the Minister thinks fit, or suspend or revoke an overseas launch licence,— 15
- (a) with the prior written consent of the licensee; or
- (b) on the written application of the licensee; or
- (c) if the Minister believes on reasonable grounds that—
- (i) the licensee has breached the Act, the regulations, or a condition of the licence; or 20
- (ii) the revocation, variation, or suspension is necessary in the interests of national security, public safety, or compliance with any of New Zealand's international obligations, or other national interests; or 25
- (iii) a licence, permit, or other authorisation granted to the licensee in a country other than New Zealand that the Minister took into account under **section 52** has changed, expired, or been revoked and the Minister considers that the change, expiry, or revocation affects interests of national security, public safety, or New Zealand's compliance with any of New Zealand's international obligations, or other national interests; or 30
- (d) for any other reason specified in the licence.
- (2) Before varying, suspending, or revoking an overseas launch licence, the Minister must consult the security Ministers in accordance with **section 56**. 35
- (3) The Minister must suspend or revoke an overseas launch licence if a certificate is issued under **section 56** in relation to the licence.

Subpart 4—Permit for launch of payload overseas

31 Overseas launch of payload requires overseas payload permit

- (1) A person must not, from a launch facility outside New Zealand, launch a payload that is intended to reach outer space unless either that person or another person has an overseas payload permit for the launch of the payload from the launch facility and the operation of the payload in outer space. 5
- (2) A person must not, from a launch facility outside New Zealand, procure the launch of a payload that is intended to reach outer space unless that person has an overseas payload permit for the launch of the payload from the launch facility and the operation of the payload in outer space. 10
- (3) Despite **subsection (2)**, only 1 overseas payload permit is needed in respect of a payload.

32 Application for overseas payload permit

- (1) A person may apply to the Minister for an overseas payload permit for the launch of 1 or more payloads of a particular type from a particular launch facility. 15
- (2) The application must be made in accordance with prescribed requirements.

33 When overseas payload permit may be granted

- (1) The Minister may grant an overseas payload permit only if the Minister is satisfied that— 20
- (a) the applicant has taken all reasonable steps to manage risks to public safety arising from the operation of the payload; and
 - (b) the proposed operation of the payload or payloads under the permit is consistent with New Zealand’s international obligations; and
 - (c) the applicant and the proposed operation of the payload or payloads under the permit meet any other prescribed requirements. 25
- (2) The Minister may, despite the Minister being satisfied of all the matters in **subsection (1)**, decline to grant an overseas payload permit if the Minister considers that the proposed operation of a payload under the permit would not be in the national interest. 30
- (3) Before granting an overseas payload permit, the Minister must consult the security Ministers in accordance with **section 56**.
- (4) The Minister must not grant an overseas payload permit if a certificate is issued under **section 56** in relation to the payload.

34 Conditions, indemnity, and insurance relating to overseas payload permit 35

- (1) An overseas payload permit is subject to the following conditions:

-
- (a) a condition that the permit holder must provide to the Minister, in accordance with any prescribed requirements, any prescribed information and any information requested by the Minister under **section 51**, which may include—
- (i) the date and location of each proposed operation of a payload under the permit; and 5
 - (ii) details of the intended and actual basic orbital parameters (including the nodal period, inclination, apogee, and perigee) of the payload that reaches or is intended to reach outer space; and
- (b) a condition that the permit holder must notify the Minister, in accordance with any prescribed requirements, if any of the following occurs: 10
- (i) any changes relating to the permit that mean any information provided to the Minister in relation to the permit is no longer accurate; or
 - (ii) in a case where the Minister has advised the permit holder that the Minister took into account, under **section 52**, a licence, permit, or other authorisation granted to the permit holder in a country other than New Zealand and that licence, permit, or other authorisation changes, expires, or is revoked; or 15
 - (iii) the payload is no longer in earth orbit (unless the permit holder does not know, and could not reasonably know, that the payload is no longer in earth orbit); and 20
- (c) any other conditions prescribed by regulations; and
- (d) any other conditions that the Minister considers necessary or desirable in order to— 25
- (i) give effect to New Zealand’s international obligations; or
 - (ii) protect national security; or
 - (iii) protect national interests; or
 - (iv) ensure public safety; or
 - (v) avoid interference with the activities of others in the peaceful exploration and use of outer space; or 30
 - (vi) minimise the risk of contamination of outer space or adverse changes in the earth’s environment; or
 - (vii) manage New Zealand’s potential liability under international law (including under the Liability Convention and the Outer Space Treaty). 35
- (2) The Minister may require a permit holder, as a condition of the permit, to—
- (a) indemnify the Crown in whole or in part against—

- (i) any claim brought against the Crown under the Liability Convention or the Outer Space Treaty; or
 - (ii) any other claim brought against the Crown under international law in relation to an act or omission of the permit holder under this Act; and 5
 - (b) hold insurance of a type and an amount (including a type and an amount calculated in a manner prescribed in regulations), and containing any provisions, specified by the Minister.
- 35 Duration of overseas payload permit**
- (1) An overseas payload permit must specify— 10
 - (a) the date on which it comes into force; and
 - (b) either—
 - (i) the date on which the overseas payload permit expires; or
 - (ii) that the overseas payload permit expires on the occurrence of a particular event (rather than at a specified time). 15
 - (2) An overseas payload permit expires in the manner specified in the overseas payload permit unless revoked or suspended earlier under **section 37**.
- 36 Continuing obligations of permit holder**
- The obligations of a permit holder under an overseas payload permit (including, without limitation, any obligations under an indemnity required under **section 34(2)(a)**) survive the expiry or revocation of the overseas payload permit and continue until all matters connected to the operation of the payload or payloads under the overseas payload permit have been completed. 20
- 37 Minister may vary, revoke, or suspend overseas payload permit**
- (1) The Minister may, at any time, vary an overseas payload on any conditions that the Minister thinks fit, or suspend or revoke an overseas payload permit,— 25
 - (a) with the prior written consent of the permit holder; or
 - (b) on the written application of the permit holder; or
 - (c) if the Minister believes on reasonable grounds that—
 - (i) the permit holder has breached the Act, the regulations, or a condition of the overseas payload permit; or 30
 - (ii) the revocation, variation, or suspension is necessary in the interests of national security, public safety, or compliance with any of New Zealand’s international obligations, or other national interests; or 35
 - (iii) a licence, permit, or other authorisation granted to the permit holder in a country other than New Zealand that the Minister took into account under **section 52** has changed, expired, or been re-

- voked and the Minister considers that the change, expiry, or revocation affects interests of national security, public safety, or New Zealand's compliance with any of New Zealand's international obligations, or other national interests; or
- (d) for any other reason specified in the permit. 5
- (2) Before varying, suspending, or revoking an overseas payload permit, the Minister must consult the security Ministers in accordance with **section 56**.
- (3) The Minister must, if a certificate is issued under **section 56** in relation to a payload or payloads under an overseas payload permit, do 1 or both of the following: 10
- (a) suspend or revoke the overseas payload permit:
- (b) vary the overseas payload permit to prohibit the launch of the relevant payload or payloads.

Subpart 5—Facility licences

- 38 Requirement for facility licence** 15
- A person must not operate a launch facility in New Zealand unless the person has a facility licence for the launch facility.
- 39 Application for facility licence**
- (1) A person may apply to the Minister for a facility licence.
- (2) The application must be in accordance with prescribed requirements. 20
- 40 When facility licence may be granted**
- (1) The Minister may grant a facility licence only if the Minister is satisfied that—
- (a) the applicant or a person who is to operate the facility on the applicant's behalf is technically capable of operating a launch facility safely; and
- (b) the applicant and any person who is to have or is likely to have control over the exercise of the rights under the licence— 25
- (i) are fit and proper persons to hold a licence or have control over the exercise of rights under the licence; and
- (ii) meet any other prescribed requirements; and
- (c) the applicant has taken all reasonable steps to manage risks to public safety; and 30
- (d) the proposed operation of the launch facility—
- (i) is consistent with New Zealand's international obligations; and
- (ii) meets any other prescribed requirements.

- (2) The Minister may, despite being satisfied of all the matters in **subsection (1)**, decline to grant a facility licence if the Minister considers that the operation of the launch facility under the licence would not be in the national interest.
- (3) Before granting a facility licence, the Minister must consult the security Ministers in accordance with **section 56**. 5
- (4) The Minister must not grant a facility licence if a certificate is issued under **section 56** in relation to the proposed operation of the launch facility.
- 41 Conditions and indemnity relating to facility licence**
- (1) The Minister may impose any conditions in a facility licence that the Minister considers necessary or desirable in order to— 10
- (a) give effect to New Zealand’s international obligations; or
- (b) protect national security; or
- (c) protect national interests; or
- (d) ensure public safety.
- (2) The Minister may require a licensee, as a condition of the licence, to indemnify the Crown in whole or in part against— 15
- (a) any claim brought against the Crown under the Liability Convention or the Outer Space Treaty; or
- (b) any other claim brought against the Crown under international law in relation to an act or omission of the licensee under this Act. 20
- 42 Duration of facility licence**
- (1) A facility licence must specify the date on which it comes into force and the expiry date.
- (2) The expiry date must not be later than 5 years after the date on which the launch licence is granted. 25
- (3) A facility licence expires on the expiry date unless it is—
- (a) renewed in accordance with **section 43**; or
- (b) revoked or suspended earlier under **section 44**.
- 43 Renewal of facility licence**
- (1) The Minister may renew a facility licence for a further period of up to 5 years if the Minister continues to be satisfied of the matters in **section 40(1)**. 30
- (2) The Minister may impose further conditions of a kind specified in **section 41** when renewing the licence.
- 44 Minister may vary, revoke, or suspend facility licence**
- (1) The Minister may, at any time, vary a facility licence on any conditions that the Minister thinks fit, or suspend or revoke a facility licence,— 35

- (a) with the prior written consent of the licensee; or
 - (b) on the written application of the licensee; or
 - (c) if the Minister believes on reasonable grounds that—
 - (i) the licensee has breached the Act, the regulations, or a condition of the licence; or 5
 - (ii) the revocation, variation, or suspension is necessary in the interests of national security, public safety, or compliance with any of New Zealand’s international obligations, or other national interests; or
 - (d) for any other reason specified in the licence. 10
- (2) Before varying, suspending, or revoking a facility licence, the Minister must consult the security Ministers in accordance with **section 56**.
- (3) The Minister must suspend or revoke a licence if a certificate is issued under **section 56** in relation to the operation of the facility.

Subpart 6—High-altitude licences 15

45 Meaning of launch

For the purposes of this subpart, unless the context otherwise requires, **launch** includes any departure from land or sea in New Zealand (including from a runway).

46 Requirement for high-altitude licence 20

- (1) A person must not launch a high-altitude vehicle from New Zealand that is capable of travelling or intended to travel above controlled airspace unless the person has a high-altitude licence for the launch.
- (2) A high-altitude licence is not required in respect of a particular activity described in **subsection (1)** if the activity is conducted under a launch licence issued under **subpart 1**. 25

47 Application for high-altitude licence

- (1) A person may apply to the Minister for a licence for 1 or more launches from New Zealand of 1 or more high-altitude vehicles.
- (2) The application must be made in accordance with prescribed requirements. 30

48 When high-altitude licence may be granted

- (1) The Minister may grant a high-altitude licence only if —
 - (a) the Minister is satisfied that—
 - (i) the applicant or a person who is to conduct the launch on the applicant’s behalf is technically capable of conducting a safe launch; 35
 - and

-
- (ii) the applicant and any person who is to have or is likely to have control over the exercise of the rights under the licence—
- (A) are fit and proper persons to hold a high-altitude licence or have control over the exercise of rights under the licence; and 5
- (B) meet any other prescribed requirements; and
- (iii) in relation to each high-altitude vehicle that is proposed to be launched under the licence (other than any high-altitude vehicle that is an aircraft), the applicant has taken all reasonable steps to manage risks to public safety; and 10
- (iv) the proposed launch or launches under the licence—
- (A) are consistent with New Zealand’s international obligations; and
- (B) meet any other prescribed requirements; and
- (b) in relation to each high-altitude vehicle proposed to be launched under the licence that is an aircraft, the Minister has received advice from the Director of Civil Aviation that— 15
- (i) the aircraft or (where relevant) the operator of the aircraft has the appropriate permits, certificates, or other documents under the Civil Aviation Act 1990 or, in the case of a foreign aircraft, the aircraft is recognised under New Zealand law; and 20
- (ii) the operation of the aircraft is safe provided that the operator complies with the Civil Aviation Act 1990 and rules made under that Act.
- (2) The Minister may, despite being satisfied of all the matters in **subsection (1)(a)** and, if relevant, having received the advice in **subsection (1)(b)**, decline to grant a high-altitude licence if the Minister considers that the proposed operation of a high-altitude vehicle or high-altitude vehicles under the licence would not be in the national interest. 25
- (3) Before granting a high-altitude licence, the Minister must consult the security Ministers in accordance with **section 56**. 30
- (4) The Minister must not grant a high-altitude licence if a certificate is issued under **section 56** in relation to a proposed launch or launches under the licence.
- 49 Conditions and insurance relating to high-altitude licence** 35
- (1) A high-altitude licence is subject to the following conditions:
- (a) a condition that the licensee must provide to the Minister, in accordance with any prescribed requirements, any prescribed information and any information requested by the Minister under **section 51**, which may include— 40

- (i) the date, nature, location, purpose, intended duration, and intended range of altitudes of each proposed launch and operation; and
- (ii) information about any payload to be carried by a high-altitude vehicle under the licence (including the purpose of carrying the payload, the intended frequencies of the payload, and who intends to communicate with the payload); and 5
- (b) a condition that the licensee must notify the Minister, in accordance with any prescribed requirements, if either of the following occurs:
 - (i) any changes relating to the licence that mean any information provided to the Minister in relation to the licence is no longer accurate; or 10
 - (ii) the high-altitude vehicle deviates from operational parameters; and
- (c) a condition that a licensee must obtain advance approval from the Minister for any intended deviation from operational parameters; and 15
- (d) a condition that the licensee must conduct the launch and operation in a manner that complies with the Civil Aviation Act 1990 and any regulations and rules made under that Act; and
- (e) any other conditions prescribed by regulations; and
- (f) any other conditions imposed by the Minister including, without limitation, any conditions that the Minister considers necessary or desirable in order to— 20
 - (i) regulate any payload carried by the high-altitude vehicle; or
 - (ii) protect national security; or
 - (iii) protect national interests. 25
- (2) The Minister may require a licensee, as a condition of the licence, to hold insurance of a type and an amount (including a type and an amount calculated in a manner prescribed in regulations) specified by the Minister.

50 Minister may revoke, vary, or suspend high-altitude licence

- (1) The Minister may, at any time, vary a high-altitude licence on any conditions that the Minister thinks fit, or suspend or revoke a high-altitude licence,— 30
 - (a) with the prior written consent of the licensee; or
 - (b) on the written application of the licensee; or
 - (c) if the Minister believes on reasonable grounds that—
 - (i) the licensee has breached the Act, the regulations, or a condition of the licence; or 35
 - (ii) the revocation, variation, or suspension is necessary in the interests of national security, public safety, or compliance with any of

New Zealand's international obligations, or other national interests; or

- (d) for any other reason specified in the licence.
- (2) Before varying, suspending, or revoking a high-altitude licence, the Minister must consult the security Ministers in accordance with **section 56**. 5
- (3) The Minister must, if a certificate is issued under **section 56** in relation to a high-altitude vehicle, do 1 or both of the following:
 - (a) suspend or revoke the licence:
 - (b) vary the licence to prohibit the launch from New Zealand of the relevant high-altitude vehicle. 10

Subpart 7—General provisions relating to licences and permits under this Part

51 Request for information

- (1) The Minister may, by written notice, ask an applicant for, or the holder of, any licence or permit to give the Minister, within the period specified in the notice, any information that the Minister requires for the purposes of performing functions or exercising powers under this Act in relation to the licence or permit. 15
- (2) Where the request for information relates to the consideration by the Minister of an application for a licence or permit, the Minister may refuse to grant the licence or permit if— 20
 - (a) the applicant does not provide the information requested within a reasonable time after the requirement; or
 - (b) the Minister is unable to verify any information provided.

52 Minister may take into account authorisation granted in country other than New Zealand 25

The Minister may take into account that an applicant holds a licence, permit, or other authorisation granted in a country other than New Zealand as satisfying some or all of the criteria for granting a launch licence under **section 9**, a payload permit under **section 17**, an overseas launch licence under **section 25**, or an overseas payload permit under **section 33**. 30

53 Criteria for fit and proper person test

- (1) For the purpose of determining whether a person is a fit and proper person for any purpose under this Act, the Minister may take into account—
 - (a) the person's regulatory compliance history; and
 - (b) the person's related experience (if any) within the aviation or aerospace industry; and 35
 - (c) the person's knowledge of the applicable regulatory requirements; and

- (d) any history of mental health or serious behavioural problems; and
- (e) any conviction for any offence and the nature of any such offence, whether or not—
 - (i) the conviction was in a New Zealand court; or
 - (ii) the offence was committed before the commencement of this Act; 5
and
- (f) any other information and evidence as may be relevant.
- (2) The Minister may, for the purposes of **subsection (1)**,—
 - (a) seek and receive any information (including medical reports) as the Minister thinks fit; and 10
 - (b) consider information obtained from any source.
- (3) **Subsection (1)** applies to a body corporate with the following modifications:
 - (a) **subsection (1)(a), (b), (c), (e), and (f)** must be read as if it refers to the body corporate and its officers:
 - (b) **subsection (1)(d)** must be read as if it refers only to the officers of the 15
body corporate.

54 Change of licensee or permit holder requires approval of Minister

- (1) A licensee or permit holder must not, without the prior approval of the Minister,—
 - (a) transfer an interest in a licence or permit; or 20
 - (b) if the licensee or permit holder is a body corporate, undergo a change of control.
- (2) A licensee or permit holder may apply to the Minister for approval of a transfer or change of control.
- (3) The application must be made in accordance with prescribed requirements. 25
- (4) When considering an application of a licensee or permit holder to undergo a change of control or to transfer an interest in a licence or permit, the Minister—
 - (a) must consult the security Ministers in accordance with **section 56**; and
 - (b) must take into account,— 30
 - (i) in the case of a launch licence, all the matters in **section 9** as if the application were an application for a new launch licence; and
 - (ii) in the case of a payload permit, all the matters in **section 17** as if the application were an application for a new payload permit; and
 - (iii) in the case of an overseas launch licence, all the matters in **section 25** as if the application were an application for a new overseas launch licence; and 35

- (iv) in the case of an overseas payload permit, all the matters in **section 33** as if the application were an application for a new overseas payload permit; and
- (v) in the case of a facility licence, all the matters in **section 40** as if the application were an application for a new facility licence; and 5
- (vi) in the case of a high-altitude licence, all the matters in **section 48** as if the application were an application for a new high-altitude licence; and
- (c) must be satisfied that the transferee is likely to be able to comply with the conditions of, and give proper effect to, the licence or permit; and 10
- (d) may ask an applicant to supply any further information or documentation in support of the application.
- (5) The Minister must not consent to a transfer or change of control if a certificate is issued under **section 56** in relation to the proposed transfer or change of control. 15
- (6) For the purposes of this section, a body corporate undergoes a **change of control** if—
- (a) a person obtains the power (whether directly or indirectly) to exercise, or control the exercise of, 50% or more of the voting rights in the corporate body; or 20
- (b) a person (**person A**) obtains, together with 1 or more specified persons, the power (whether directly or indirectly) to exercise, or control the exercise of, 50% or more of the voting rights in the corporate body.
- (7) In **subsection (6)(b)**, a **specified person**, in relation to person A, means—
- (a) a person who is acting, or will act, jointly or in concert with person A in respect of exercising, or controlling the exercise of, the voting rights of the licensee or permit holder; or 25
- (b) a person who acts, or is accustomed to acting, in accordance with the wishes of person A.
- 55 Minister may impose further conditions on transfer or change of control** 30
- (1) The Minister may grant consent to a transfer or change of control under **section 54** subject to any further conditions of a kind described in **section 10, 18, 26, 34, 41, or 49** as the Minister thinks fit.
- (2) All conditions of the Minister's consent are, for the purposes of this Act, to be treated as conditions of the relevant licence or permit. 35
- (3) If, as a result of the transfer of an interest in a licence or permit in accordance with **section 54**, a person ceases to have an interest in the licence or the permit, that person ceases to have any rights or obligations under the licence or permit except in respect of any contravention of the conditions of the licence or permit that occurred before the date of the transfer of the interest. 40

- (4) **Subsection (3)** is subject to—
- (a) the conditions of the licence or permit; and
 - (b) the conditions of the Minister’s consent to the transfer of the interest.
- 56 Minister must consult security Ministers about national security**
- (1) The purpose of the consultation with the security Ministers required by any provision of this Act is to enable the following to be taken into account by the Minister in making the relevant decision: 5
- (a) any risks to national security of the activity or proposed activity under the relevant licence or permit; and
 - (b) the extent to which the risks can be mitigated by licence or permit conditions. 10
- (2) The Minister must, if either the Minister or a security Minister thinks it appropriate for national security reasons, refer the application or other matter to the Minister for National Security and Intelligence.
- (3) The Minister for National Security and Intelligence may, after consultation with the responsible Ministers as he or she thinks fit and taking into account the advice of the intelligence and security agencies, issue a certificate that the activity or proposed activity poses a significant risk to national security. 15
- (4) A certificate issued under **subsection (3)** is (subject only to **section 57**) conclusive evidence of the matters stated in it, and the advice given by an intelligence and security agency to the Minister, a security Minister, or the Minister for National Security and Intelligence must not be challenged, reviewed, or called in question in any court. 20
- (5) For the purposes of this section, the **responsible Ministers** are— 25
- (a) the Minister; and
 - (b) the security Ministers; and
 - (c) the Minister responsible for the administration of the Defence Act 1990; and
 - (d) the Minister of Foreign Affairs; and
 - (e) any other Minister that the Minister for National Security and Intelligence thinks fit. 30
- 57 Review procedure in relation to certificate of risk to national security**
- (1) If the Minister for National Security and Intelligence issues a certificate under **section 56**, the applicant may, in accordance with sections 11 and 16 of the Inspector-General of Intelligence and Security Act 1996, lodge a complaint with the Inspector-General of Intelligence and Security in relation to any advice given by an intelligence and security agency to— 35
- (a) the Minister or a security Minister; or

- (b) the Minister for National Security and Intelligence.
- (2) If the Inspector-General of Intelligence and Security forwards a written report to 1 or both security Ministers in accordance with section 25 of the Inspector-General of Intelligence and Security Act 1996, the Minister for National Security and Intelligence may withdraw or confirm the certificate. 5
- (3) For the purposes of this section, **Inspector-General of Intelligence and Security** means the person holding office under section 5 of the Inspector-General of Intelligence and Security Act 1996.

Part 3

Enforcement, accidents, and other matters 10

Subpart 1—Enforcement officers and enforcement powers

Enforcement officers

58 Appointment of enforcement officers

- (1) The chief executive may appoint such suitably qualified and trained enforcement officers as the chief executive thinks necessary for the purposes of this Act. 15
- (2) An enforcement officer—
- (a) is appointed for a term not exceeding 3 years, but may be reappointed:
- (b) may be removed from office by the chief executive, by written notice, for inability to perform the functions of the office, legal incapacity, neglect of duty, or misconduct, proved to the satisfaction of the chief executive: 20
- (c) may at any time resign office by written notice to the chief executive.
- (3) The chief executive must issue a written warrant to an enforcement officer appointed under this section. 25
- (4) An enforcement officer must, on the termination of the enforcement officer's appointment, surrender his or her warrant to the chief executive.
- (5) An enforcement officer appointed under **subsection (1)** is not to be regarded as employed in the service of the Crown for the purposes of the Government Superannuation Fund Act 1956 or the State Sector Act 1988 just because the person is an enforcement officer. 30

59 Enforcement officers must produce evidence of appointment

An enforcement officer appointed under **section 58** must produce his or her warrant of appointment under this Act whenever requested to do so in the course of the enforcement officer's duties. 35

60 Functions of enforcement officers

The functions of an enforcement officer are to—

- (a) investigate compliance with this Act, regulations made under this Act, and the conditions of licences and permits issued under this Act; and
- (b) take all reasonable steps to ensure that this Act, regulations made under this Act, and the conditions of licences and permits issued under this Act are complied with; and 5
- (c) promote compliance with the requirements of this Act, regulations made under this Act, and the conditions of licences and permits issued under this Act by providing information, education, and advice about those requirements. 10

*Powers of enforcement officers***61 Powers of enforcement officers**

- (1) For the purpose of exercising any of his or her functions under **section 60(a) and (b)**, an enforcement officer may— 15
 - (a) enter a launch facility or any other premises or place where any launch vehicle, payload, high-altitude vehicle, related equipment, or technical data is held and inspect the site or other premises or any other place and any launch vehicle, payload, high-altitude vehicle, related equipment, or technical data: 20
 - (b) seize and detain any launch vehicle, payload, high-altitude vehicle, related equipment, or technical data:
 - (c) require any licensee or permit holder, employee of a licensee or permit holder, or other person to produce any document within that person's possession or control relating to a launch or payload, and make copies of that document: 25
 - (d) question any licensee or permit holder, employee of a licensee or permit holder, or other person about a launch or the operation of any launch vehicle, payload, or high-altitude vehicle:
 - (e) question any licensee or permit holder, or employee of a licensee or permit holder, about compliance with this Act, regulations made under this Act, or the conditions of any licence or permit issued under this Act: 30
 - (f) test, or require testing of, at the expense of a licensee or permit holder, any launch vehicle, payload, high-altitude vehicle, or related equipment.
- (2) The provisions of subparts 1, 4, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply. 35

62 Provisions relating to entry to dwellinghouse or marae

- (1) Nothing in **section 61(1)(a)** confers on any person the power to enter any dwellinghouse, or any marae or building associated with a marae, unless the entry is authorised by a warrant given by an issuing officer on application in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, which must not be granted unless the issuing officer is satisfied that there are reasonable grounds to believe that the entry is essential to enable the inspection to be carried out. 5
- (2) Subject to **subsection (3)**, subparts 1, 3, 4, 5, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in relation to the issue of a warrant under **subsection (1)** and its execution. 10
- (3) Sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

63 Constable may exercise enforcement powers

For the purpose of investigating compliance with this Act, regulations made under this Act, or the conditions of licences and permits issued under this Act, a constable may exercise any of the powers of an enforcement officer under **section 61(1)(a) to (f)**, and **sections 61(2) and 62** apply. 15

Subpart 2—Secure areas

64 Security areas and security enhanced areas 20

- (1) The Minister may declare, by a sign or signs affixed at the perimeter of an area or by other appropriate notification, that the area is a security area if—
- (a) any launch vehicle, payload, related equipment, or technical data is or may be held there; and
- (b) the items specified in **paragraph (a)** relate to the launching of vehicles or payloads that are intended to reach outer space. 25
- (2) The Minister may declare, by appropriate notification, that an area within a security area is a security enhanced area.
- (3) The Minister may declare private land to be, or to be included within, a security area or security enhanced area only with the consent of the owner. 30
- (4) Only the following persons may enter or remain in any security area or security enhanced area:
- (a) an enforcement officer on official duties;
- (b) a person wearing an identity card issued or recognised by the chief executive: 35
- (c) a person accompanied by a person described in **paragraph (b)**.
- (5) Every person in a security area or security enhanced area must, on the request of an enforcement officer or a person having control of the area,—

- (a) state his or her name and address, the purpose of his or her presence in the security area or security enhanced area, and his or her authority to enter it; and
- (b) produce satisfactory evidence of the correctness of his or her stated name and address. 5
- (6) An enforcement officer or person having control of a security area or security enhanced area may order a person to leave the area if the person—
- (a) fails or refuses to provide the enforcement officer or person having control of the area with satisfactory evidence of his or her name and address when requested under **subsection (5)**; or 10
- (b) fails to satisfy the enforcement officer or person in charge of the area that he or she is authorised to be there.
- (7) An enforcement officer, and any person whom he or she calls to his or her assistance, may use such force as may be reasonably necessary to remove from any security area or security enhanced area any person who fails or refuses to leave the security area or security enhanced area immediately after having been ordered to do so under **subsection (6)**. 15
- (8) Any person who refuses to comply with **subsection (5) or (6)** and, after having been warned that he or she commits an offence, persists in its commission may be detained by an enforcement officer and, in that case, if the enforcement officer is not a constable, must as soon as practicable be delivered to a constable. 20

Subpart 3—Accidents

65 Minister may declare debris recovery area

- (1) The Minister may declare, by a sign or signs affixed at the perimeter of an area or by other appropriate notification, that the area is a debris recovery area if the Minister is satisfied that it is— 25
- (a) a site where an accident involving a space object has occurred; or
- (b) a site on which there is an impact point caused by a space object that has been involved in an accident; or 30
- (c) a site on which there is a space object that has been involved in an accident.
- (2) **Section 64(4) to (8)** applies, with the necessary modifications, to an area declared to be a debris recovery site under this section as if it were a security area. 35

Subpart 4—Offences

*Offences relating to licences and permits***66 Launching without launch licence or overseas launch licence**

- (1) A person commits an offence if the person—
- (a) launches a launch vehicle without a launch licence contrary to **section 7**; and 5
 - (b) knows or ought to know that a launch licence is required.
- (2) A person commits an offence if the person—
- (a) launches a launch vehicle without an overseas launch licence contrary to **section 23**; and 10
 - (b) knows or ought to know that an overseas launch licence is required.
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 1 year or a fine not exceeding \$50,000, or both; or 15
 - (b) in the case of a body corporate, to a fine not exceeding \$250,000.

67 Launching or procuring launch of payload without payload permit or overseas payload permit

- (1) A person commits an offence if the person—
- (a) launches or procures the launch of a payload without a payload permit contrary to **section 15**; and 20
 - (b) knows or ought to know that a payload permit is required.
- (2) A person commits an offence if the person—
- (a) launches or procures the launch of a payload without an overseas payload permit contrary to **section 31**; and 25
 - (b) knows or ought to know that an overseas payload permit is required.
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 1 year or a fine not exceeding \$50,000, or both; or 30
 - (b) in the case of a body corporate, to a fine not exceeding \$250,000.

68 Operating launch facility without facility licence

- (1) A person commits an offence if the person—
- (a) operates a launch facility without a facility licence contrary to **section 38**; and 35

- (b) knows or ought to know that a facility licence is required.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 1 year or a fine not exceeding \$50,000, or both; or 5
- (b) in the case of a body corporate, to a fine not exceeding \$250,000.
- 69 Launching high-altitude vehicle without high-altitude licence**
- (1) A person commits an offence if the person—
- (a) launches a high-altitude vehicle without a high-altitude licence contrary to **section 46**; and 10
- (b) knows or ought to know that a high-altitude licence is required.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 1 year or a fine not exceeding \$50,000, or both; or 15
- (b) in the case of a body corporate, to a fine not exceeding \$250,000.
- 70 False or misleading information in application for grant or renewal of licence or permit**
- (1) A person commits an offence if the person, for the purposes of any application for a licence or permit, or the renewal of a licence or permit, under this Act, supplies any information that the person knows or ought to know is materially false or misleading. 20
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$10,000; or 25
- (b) in the case of a body corporate, to a fine not exceeding \$50,000.
- 71 Offence to fail to comply with condition of licence or permit**
- (1) A person commits an offence if the person, being the holder of one of the following licences or permits, knowingly or without reasonable excuse fails to comply with any condition of that licence or permit: 30
- (a) a launch licence or overseas launch licence:
- (b) a payload permit or overseas payload permit:
- (c) a facility licence.
- (2) A person commits an offence who, being the holder of a high-altitude licence, knowingly or without reasonable excuse fails to comply with any condition of that licence. 35

- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 1 year or a fine not exceeding \$50,000, or both; or
- (b) in the case of a body corporate, to a fine not exceeding \$250,000. 5

Providing false or misleading information to enforcement officer

72 Providing false or misleading information to enforcement officer

- (1) A person commits an offence if the person provides to an enforcement officer information that the person knows, or ought to know, is false or misleading in any material respect. 10
- (2) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$10,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$50,000.

Other offences 15

73 Interfering with launch vehicle or payload

- (1) A person commits an offence if the person, without lawful excuse,—
- (a) takes, removes, uses, or interferes with a launch vehicle, a payload, related equipment, or technical data; or
- (b) receives a launch vehicle, a payload, related equipment, or technical data that is taken or removed contrary to **paragraph (a)**. 20
- (2) In any prosecution for an offence against **subsection (1)**, it is not necessary to prove that the defendant intended to commit the offence.
- (3) A person commits an offence if the person, with the intention of using or disposing of it for an industrial or commercial purpose, intentionally and without lawful excuse,— 25
- (a) takes, removes, uses, or interferes with a launch vehicle, payload, related equipment, or technical data; or
- (b) receives a launch vehicle, payload, related equipment, or technical data that is taken or removed contrary to **paragraph (a)**. 30
- (4) A person who commits an offence against **subsection (1)** is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$1,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$10,000.
- (5) A person who commits an offence against **subsection (3)** is liable on conviction,— 35

- (a) in the case of an individual, to imprisonment for a term not exceeding 5 years or a fine not exceeding \$100,000, or both; or
- (b) in the case of a body corporate, to a fine not exceeding \$500,000.

74 Security area and security enhanced area offences

- (1) A person commits an offence if the person, being in a security area or security enhanced area,—
 - (a) fails or refuses to comply with a request under **section 64(5)**; or
 - (b) fails or refuses to leave the security area or security enhanced area immediately after having been ordered to do so under **section 64(6)**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,000, or both.

75 Person in control of security area or security enhanced area to ensure identity displayed

- (1) A person in control of a security area or security enhanced area must take all practicable steps to have in place at all times a system for ensuring that persons in that area display identity cards.
- (2) A person who fails to comply with **subsection (1)** commits an offence and is liable on conviction,—
 - (a) in the case of an individual, to a fine not exceeding \$50,000; or
 - (b) in the case of a body corporate, to a fine not exceeding \$100,000.

76 Taking photographs, etc, or samples from debris recovery area

- (1) A person commits an offence if the person, without the permission of an enforcement officer or other authorised person,—
 - (a) takes any photograph, makes any sketch, plan, model, or note, or otherwise records any image of any thing that the person knows or ought to know is in a debris recovery area; or
 - (b) takes a sample of any thing from an area that the person knows or ought to know is a debris recovery area.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,000, or both.

Additional penalty for certain offences

77 Additional penalty for offences involving commercial gain or liability of the Crown under Outer Space Treaty or Liability Convention

- (1) This section applies to an offence against—

- (a) **section 66, 67, or 68:**
- (b) **section 70 or 72**, if the offence relates to a launch licence, overseas launch licence, payload permit, overseas payload permit, or facility licence.
- (2) In addition to any penalty the court may impose for an offence referred to in **subsection (1)**, the court may, on convicting any person of the offence,—
- (a) order that person to pay an amount not exceeding 3 times the value of any commercial gain resulting from the commission of that offence if the court is satisfied that the offence was committed in the course of producing a commercial gain; or
- (b) in respect of an offence against **section 66, 67, or 68**, order that person to pay an amount to the Crown to indemnify the Crown for any liability the Crown has incurred or may incur in respect of the launch vehicle or payload under the Outer Space Treaty or the Liability Convention or in relation to any other claim brought against the Crown under international law.

Infringement offences

78 Failing to display identity card

- (1) A person commits an infringement offence who, being in a security area or security enhanced area, fails without reasonable excuse to display an identity card.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to an infringement fee of \$1,000.

79 Providing false information to enforcement officer

- (1) A person commits an infringement offence who provides information to an enforcement officer that is false or misleading in any material respect.
- (2) In prosecuting an offence against **subsection (1)**, it is not necessary to prove that the defendant intentionally or recklessly committed the offence.
- (3) A person who commits an offence against **subsection (1)** is liable on conviction to an infringement fee of \$1,000.

Certain offences deemed to be included in extradition treaties

80 Offences deemed to be included in extradition treaties

- (1) For the purposes of the Extradition Act 1999 and any Order in Council in force under section 15, 40, or 104 of that Act, each offence described in **sections 66, 67, 71(1), and 73(3)** of this Act is deemed to be an offence described in any extradition treaty concluded before the commencement of this section and for the time being in force between New Zealand and any country that is a party to the Liability Convention.

- (2) Despite **subsection (1)**, no person is liable to be surrendered under the Extradition Act 1999 in respect of an act or omission that amounts to an offence to which that subsection applies if that act or omission occurred before the date on which the offence was deemed by that subsection to be an offence described in the relevant extradition treaty. 5

Provisions concerning infringement offences

81 Interpretation

In this Act,—

infringement fee, in relation to an infringement offence, means the infringement fee for the offence prescribed in this Act 10

infringement offence means an offence against **section 78 or 79**.

82 Proceedings for infringement offence

- (1) A person who is alleged to have committed an infringement offence may either—
- (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or 15
- (b) be served with an infringement notice under **section 83**.
- (2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957. 20

83 Infringement notices

- (1) An enforcement officer may issue an infringement notice to a person if the enforcement officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.
- (2) The enforcement officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business. 25
- (3) An infringement notice (or a copy of it) sent by post to a person under **subsection (2)** is to be treated as having been served on that person when it was posted. 30
- (4) An infringement notice must be in the prescribed form and must contain the following particulars:
- (a) details of the alleged infringement offence that are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and 35
- (b) the amount of the infringement fee; and
- (c) the address of the place at which the infringement fee may be paid; and

- (d) the time within which the infringement fee must be paid; and
 - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
 - (f) a statement that the person served with the notice has a right to request a hearing; and 5
 - (g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and
 - (h) any other particulars that may be prescribed.
- (5) If an infringement notice has been issued under this section, the procedure under section 21 of the Summary Proceedings Act 1957 may be used in respect of the offence to which the infringement notice relates and, in that case, the provisions of that section apply with all necessary modifications. 10

84 Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account. 15

Subpart 5—General provisions

Requirement to notify Minister of intention to develop or acquire missile technology

85 Requirement to notify Minister of intention to develop or acquire missile technology 20

- (1) Any person in New Zealand who intends to develop or acquire a category 1 rocket system within the meaning of the Missile Technology Control Regime must notify the Minister.
- (2) In this section, the **Missile Technology Control Regime** means the voluntary regime by that name established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States of America. 25

Review of this Act

86 Review of Act

- (1) The Minister must, as soon as practicable after the expiry of 3 years from the commencement of this Act,— 30
 - (a) commence a review of the operation and effectiveness of the Act; and
 - (b) prepare a report on that review.
- (2) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

*Notices***87 Giving of notices**

- (1) A notice required or permitted by this Act to be given by any person (the **sender**) to another person (the **recipient**) may be given by—
- (a) delivering it to the recipient; or 5
 - (b) delivering it to the recipient's usual home or business address; or
 - (c) posting it to the recipient's usual home or business address; or
 - (d) if the recipient has given the sender an email address for the purpose of receiving notices by email, emailing it to that address; or
 - (e) any other prescribed method. 10
- (2) In relation to a notice that is required or permitted by this Act to be given to a company, section 388 of the Companies Act 1993 applies.

*Regulations***88 Regulations**

- (1) The Governor-General may, from time to time, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes: 15

Licences and permits

- (1) prescribing the information to be given in, or in connection with, applications for licences and permits, which may include, without limitation, requirements for a safety case, an environmental impact assessment, and requirements for an orbital debris mitigation plan: 20
- (2) prescribing the form or manner of making applications, including, without limitation, permitting a person to make applications together for more than 1 type of licence or permit: 25
- (3) providing for the procedure to be followed in relation to any application, including prescribing the time within which any thing must be done, or providing for the granting of extensions of time for any thing to be done:
- (4) providing for the procedure to be followed if a person makes applications together for more than 1 type of licence or permit, including permitting the Minister to grant the applications, or grant one or some only of the applications, or decline to grant any of the applications: 30
- (5) prescribing conditions for licences and permits, which may be different for different types of licence, permit, launch vehicle, payload, launch facility, or high-altitude vehicle, or on any other basis: 35
- (6) prescribing a method or methods by which the requirements as to the type and amount of insurance to be held by a licensee or permit holder may be calculated:

- (7) specifying, for the purposes of **section 19(1)(b)(ii) and 35(1)(b)(ii)**, how to determine when events of a particular kind occur:
- (8) prescribing information that a licensee or permit holder must give to the Minister, at any time during the period that the licence or permit is in force, including the intervals at which the information must be given and when information given must be updated or corrected: 5
- (9) prescribing technical requirements relating to the manner in which a licensee or permit holder must give information to the Minister under this Act:
- (10) prescribing the form of licences and permits, or the information that licences and permits must contain: 10
Meaning of launch vehicle, payload, and space object
- (11) prescribing that any thing, or class of thing, is, or is not, a launch vehicle, payload, or space object—
(a) for all purposes of this Act or for the purpose of any specified provisions of this Act; or 15
(b) in specified circumstances:
- (12) prescribing that any thing, or class of thing, is, or is not, a launch facility or ground station—
(a) for all purposes of this Act or for the purpose of any specified provisions of this Act; or 20
(b) in specified circumstances:
- (13) prescribing that any thing, or class of thing, is, or is not, a high-altitude vehicle—
(a) for all purposes of this Act or for the purpose of any specified provisions of this Act; or 25
(b) in specified circumstances:
Registration of space objects
- (14) prescribing the space objects that must be registered, who must register those objects, and the manner of registration: 30
- (15) providing for the keeping of the register, including processes for amending the register:
- (16) providing who may access the register and the fees for accessing the register:
- (17) prescribing any other matters that are necessary or desirable to implement the provisions of the Registration Convention: 35

Levy, fees, and charges

- (18) imposing a levy on holders of licences and permits under this Act for the purpose of recovering all or part of the reasonable direct and indirect costs of administering this Act:
- (19) specifying the licensees and permit holders, or classes of licensees or permit holders, who are liable to pay the levy: 5
- (20) providing for different levies for different classes of licensees or permit holders or on any other differential basis:
- (21) providing for the exemption from fees, in whole or in part (including, without limitation, if a person makes applications together for more than 1 type of licence or permit): 10
- (22) specifying the levy, or how the levy or rates of levy are calculated:
- (23) specifying when and how the levy is to be paid:
- (24) prescribing fees and charges payable in respect of any matter under this Act or the manner in which fees and charges may be calculated: 15
- (25) providing for exemptions from, or waivers or refunds of, any fee, levy, or charge payable under the regulations, in whole or in part, in any class of case:

General

- (26) prescribing any measure consistent with the purpose of this Act that, in relation to activities or proposed activities of licensees and permit holders under this Act, is necessary or desirable to— 20
- (a) protect public safety, protect the environment, preserve national security, avoid interference with space or terrestrial telecommunications; or 25
- (b) comply with New Zealand's international obligations:
- (27) prescribing technical requirements for launch facilities, launch vehicles, high-altitude vehicles, and payloads:
- (28) prescribing the form of infringement notices and infringement offence reminder notices: 30
- (29) prescribing the requirements for giving notices under this Act or the regulations:
- (30) prescribing the manner in which any thing must be done for the purposes of this Act:
- (31) providing transitional and savings provisions concerning the coming into force of this Act that may be in addition to, or in place of, the transitional and savings provisions in Schedule 1: 35
- (32) providing for any matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

- (2) Before making a recommendation relating to regulations to be made under **subsection (1)(11), (12), or (13)**, the Minister must—
- (a) consult any persons (or representatives of those persons) that appear to the Minister likely to be substantially affected by any regulations made in accordance with the recommendation; and 5
- (b) have regard to the purposes of the Act.
- (3) If the Minister makes a recommendation relating to regulations to be made under **subsection (1)(11), (12), or (13)**, the Minister’s reasons for making the recommendation (including why the regulations are appropriate) must be published together with the regulations. 10
- (4) No regulations made under **subsection (1)(31)** may be made, or continue in force, later than 3 years after the commencement of this section.
- (5) Regulations made under this Act are not invalid merely because they confer any discretion on, or allow any matter to be determined or approved by, any person. 15

Amendment to Search and Surveillance Act 2012

89 Amendment to Search and Surveillance Act 2012

- (1) This section amends the Search and Surveillance Act 2012.
- (2) In the Schedule, insert in its appropriate alphabetical order the item set out in **Schedule 2** of this Act. 20

Amendment to Summary Proceedings Act 1957

90 Amendment to Summary Proceedings Act 1957

- (1) This section amends the Summary Proceedings Act 1957.
- (2) In section 2(1), definition of **infringement notice**, after the second paragraph (jb), insert: 25
- (jc) **section 83** of the Outer Space and High-altitude Activities Act **2016**; or

Amendment to Health and Safety at Work Act 2015

91 Amendment to Health and Safety at Work Act 2015

- (1) This section amends the Health and Safety at Work Act 2015. 30
- (2) In section 16, definition of **relevant health and safety legislation**, after paragraph (b)(iii), insert:
- (iiia) Outer Space and High-altitude Activities Act **2016**:

*Amendment to Privacy Act 1993***92 Amendment to Privacy Act 1993**

- (1) This section amends the Privacy Act 1993.
- (2) In Schedule 5, under the heading *Police records*, item relating to details of overseas hearings, third column, after the item relating to the Serious Fraud Office, insert: 5
Ministry of Business, Innovation, and Employment (access is limited to obtaining information for the purposes of **section 53** of the Outer Space and High-altitude Activities Act **2016**)
- (3) In Schedule 5, under the heading *Police records*, item relating to offender identity, third column, after the item relating to the Ministry of Justice, insert: 10
Ministry of Business, Innovation, and Employment (access is limited to obtaining information for the purposes of **section 53** of the Outer Space and High-altitude Activities Act **2016**)
- (4) In Schedule 5, under the heading *Police records*, item relating to wanted persons, third column, after the item relating to the Ministry of Justice, insert: 15
Ministry of Business, Innovation, and Employment (access is limited to obtaining information for the purposes of **section 53** of the Outer Space and High-altitude Activities Act **2016**)

Schedule 1

Transitional, savings, and related provisions

s 5

Part 1

Provisions relating to Act as enacted

5

1 Interpretation

In this schedule, unless the context otherwise requires,—

6-month transition period means the period beginning on the commencement date and ending on the date that is 6 months after the commencement date.

commencement date means the date on which the this Act comes into force. 10

Rocket Lab agreement means the agreement dated 16 September 2016 between Her Majesty the Queen in right of New Zealand acting by and through the Minister for Economic Development and Rocket Lab NZ and Rocket Lab USA

Rocket Lab NZ means Rocket Lab Limited (company number 1835428) incorporated in New Zealand under the Companies Act 1993 15

Rocket Lab USA means Rocket Lab USA, a corporation incorporated in the United States of America.

2 Rocket Lab agreement treated as launch licence

(1) The Rocket Lab agreement is to be treated as a launch licence issued under this Act. 20

(2) The launch licence referred to in **subclause (1)** expires,—

(a) if Rocket Lab NZ or Rocket Lab USA makes an application for a launch licence under **section 8** before the expiry of the 6-month transition period, on the date on which the Minister grants or declines to grant a licence under **section 9**; or 25

(b) on the expiry of the 6-month transition period.

3 Transitional period for payloads launched under Rocket Lab agreement

Nothing in this Act applies to a person who launches, or procures the launch of, a payload that is intended to reach outer space if— 30

(a) the Rocket Lab agreement applies to the payload; and

(b) confirmation has been given, within 6 months after the commencement date, that no determination will be made in respect of the payload under clause 3.4 of the Rocket Lab agreement.

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- 4 Rocket Lab agreement treated as facility licence**
- (1) The Rocket Lab agreement is to be treated as a facility licence issued under this Act.
- (2) The facility licence referred to in **subclause (1)** expires,—
- (a) if Rocket Lab NZ or Rocket Lab USA makes an application for a facility licence under **section 39** before the expiry of the 6-month transition period, on the date on which the Minister grants or declines to grant a licence under **section 40**; or
- (b) on the expiry of the 6-month transition period. 5
- 5 Segregated areas to be treated as security areas** 10
- (1) This clause applies to any area that was, immediately before this clause came into force, a segregated area within the meaning of the Rocket Lab agreement.
- (2) On and after the date on which this clause comes into force, and until revoked by the Minister, the segregated area is to be treated as if it were a security area declared by the Minister under this Act. 15
- 6 Pre-commencement consultation relating to regulations**
- Section 88(2)(a)** is satisfied in relation to any regulations if action of the kind described in that provision was taken before the commencement of **section 88** for the purpose of facilitating the making of the regulations.

Schedule 2
Amendment to Search and Surveillance Act 2012

			s 89
Outer Space and High-altitude Activities Act 2016	61	Powers of enforcement officers	Subparts 1, 4, 6, 7, 9, and 10 (except for sections 118 and 119)
	62	Provisions relating to entry to dwellinghouse or marae	Subparts 1, 3, 4, 5, 7, 9, and 10 (except that sections 118 and 119 apply only in respect of warrant issued to a named constable or to every constable)