



BRIEFING

Legislative tests to grant a payload permit

Date:	22 April 2026	Priority:	Medium
Security classification:	In-Confidence	Tracking number:	REQ-0031587

Action sought		
	Action sought	Deadline
Hon Chris Penk Minister for Space	Agree to a new approach for the standard conditions to be applied to payload permits where you recognise an overseas authorisation	29 April 2026

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Virginia Fenton	Manager, Space Regulatory Systems	s 9(2)(a)	✓
Alex Davis	Regulatory Advisor, Space Regulatory Systems	04-978-3395	

The following departments/agencies have been consulted
Ministry of Foreign Affairs and Trade (MFAT), the Government Communications Security Bureau (GCSB), and New Zealand Security Intelligence Service (NZSIS)

Minister's office to complete:

- ☒ Approved
☒ Noted
☐ Seen
☐ See Minister's Notes

- ☐ Declined
☐ Needs change
☐ Overtaken by Events
☐ Withdrawn

Comments

✓



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Purpose

This briefing has two purposes:

- To provide detail for your reference on the legislative tests for payload permits to be granted and the standard conditions to be applied to all payload permits
- To seek your approval on a new approach to the standards conditions for permits where you recognise a foreign authorisation as meeting our orbital debris mitigation requirements.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Note** the legislative tests for payload permits to be granted

Noted

- b **Note** the standard conditions for payload permits

Noted

- c **Agree** to a new approach for the standard conditions to be applied to payload permits where you recognise a foreign authorisation

Agree/Disagree

Virginia Fenton
Manager, Space Regulatory Systems
Labour, Science and Enterprise, MBIE

Hon Chris Penk
Minister for Space

23 APR 2026

Background

1. MBIE briefs you on every authorisation application under the Outer Space and High-altitude Activities Act 2017 (the Act). By far the most common authorisation type applied for is the payload permit.
2. To reduce the length of regular briefings, the previous Minister for Space agreed for MBIE to use a short-format briefing for payload permit applications. This short-format briefing does not describe each of the legislative tests that must be met for an authorisation to be granted, but states:
 - the outcomes of the legislative tests applied
 - any additional conditions recommended beyond the standard ones.
3. In this briefing, we are providing you with details of the legislative tests and standard conditions applied when granting any payload permit for your future reference.

Legislative tests

4. Sections 17 and 33 of the Act describe what requirements must be met for you to grant a payload permit and overseas payload permit. MBIE assesses whether a permit application meets the requirements and advises whether you should grant the permit.

Orbital Debris Mitigation Plan (ODMP) requirements

5. An applicant must have an ODMP that meets the requirements in section 13 of the Outer Space and High-altitude Activities (Licences and Permits) Regulations 2017. Namely it must specify:
 - which, if any, standards or guidelines have been used,
 - whether it has been independently assessed, and if so, the name of the assessor and results of the assessment, and
 - the mitigation measures relating to orbital debris, which must be sufficient to ensure:
 - i. the release of debris from the payload is limited,
 - ii. the potential for payload breakup is limited,
 - iii. the potential for collision with other debris is limited, and
 - iv. at the end of operations, the payload is disposed of in a way that mitigates risk of causing damage in the air, on Earth, or in space.
6. MBIE either assesses ODMP compliance in-house or we have the ability to recognise foreign authorisations as meeting our requirements.

Safety requirements

7. An applicant must demonstrate they have taken, and will continue to take, all reasonable steps to safely manage the operation of the payload.
8. We consider compliance with ODMP requirements shows compliance with safety requirements.

Liability insurance requirements

9. New Zealand is a party to the Convention on International Liability for Damage Caused by Space Objects (Liability Convention) which makes launching states absolutely liable for damages caused by space objects on Earth's surface, to in-flight aircraft, and to other space objects on orbit.
10. As long as an applicant complies with our ODMP requirements, we consider the risks associated with the payload to be minimal. Therefore, we consider it unnecessary to require the operator to have liability insurance. This is in line with our operational policy regarding liability, insurance and indemnities.

Consistency with New Zealand's international obligations

11. There are a number of international obligations relevant to the assessment of payload permits. In particular, New Zealand is party to a number of international space treaties that regulate space activities carried out from New Zealand. This includes:
 - the United Nations Outer Space Treaty,
 - the International Telecommunication Union (ITU) Radio Regulations,
 - and the Convention on the Registration of Objects Launched into Outer Space (Registration Convention).
12. New Zealand is also party to other international treaties relevant to space payloads including on disarmament, the environment, and human rights.

National interest considerations

13. You can decline to grant a payload permit if you are not satisfied that the proposed operation of the payload is in New Zealand's national interest.
14. MBIE notifies MFAT of all applications and consults with them on higher risk applications in relation to national interest and/or international obligations.

The Act also requires a national security consultation

15. Sections 17(4) and 33(4) of the Act require that the Minister Responsible for the GCSB and NZSIS be consulted on every permit application so that any risks to national security can be taken into account. This consultation must take place before a decision is made on a permit application (Briefing 2324-1179 refers).

Conditions

16. Sections 18 and 34 of the Act set out conditions that all payload permit holders must comply with. You have the discretion to apply additional conditions on the payload permit to address any particular risks or circumstances in relation to the payload.
17. The previous Minister agreed to apply the following conditions to every payload permit. These constitute the "standard conditions" referred to in future payload permit advice briefings.
 - To carry out the operation in accordance with the application, including operating at specified orbital parameters and for a specified duration.
 - To provide MBIE with the payload's international tracking number once launched.
 - To provide timely reporting to MBIE once the payload is no longer operational.

- To provide timely reporting to MBIE of any accident or incident involving the payload.
- To share operator contact details.

18. For payload permits where you recognise a foreign authorisation as meeting our ODMP requirements, following a review of our approach we recommend that from now on you apply the standard conditions except those on orbital parameters and mission duration. That is because these aspects of missions are regulated by the country from which the authorisation was received. This approach will still ensure that orbital debris risks are appropriately managed.

Next steps

19. Subject to your agreement, we will take this new approach to standard conditions for future payload permits with foreign authorisations.

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