



9/11/21

Ref: DOIA 2122-0816

Valerie Morse

Email: fyi-request-17049-162fe4e2@requests.fyi.org.nz

Dear Valerie

Thank you for your email of 5 October 2021 where you requested all information about the scheduled three-year review of the Outer Space and High-altitude Activities Act 2017 (the Review) under the Official Information Act 1982 (OIA). On 11 October you provided the following request for information, and we agreed on 12 October to rescope the request to the following:

1. *earlier drafts of the terms of reference;*
2. *the names of stakeholders identified for consultation and any initially identified that were not subsequently contacted;*
3. *information about any public participation in the review, including decisions taken not to include a public component;*
4. *all submissions received.*

The following provides our interpretation of, and information provided on, your requests:

Earlier drafts of the terms of reference

- We have provided the **attached** briefings, approved by the Minister for Economic and Regional Development, regarding the Terms of Reference for the statutory review. These briefings also provide context for the scope of the Review.

The names of stakeholders identified for consultation and any initially identified that were not subsequently contacted

- We have provided the **attached** list of targeted stakeholders; they were initially identified as being directly affected by the Act and its regulations, and were sent an email with information on how to make a submission to the Review. Broadly, these groups included:
 - government agencies
 - several Māori stakeholders directly affected by the Act and its regulations
 - regulatory engagements with external government agencies
 - sector service providers
 - previous, current and future regulated parties; this includes payload permit applicants found on the MBIE website: <https://www.mbie.govt.nz/science-and-technology/space/permits-and-licences-for-space-activities/payloads-approved-for-launch/approved-payloads-and-other-licences/>.

Information about public participation in the review, including decisions taken to not include a public component

- The following scope has been approved through Ministerial decision/s:
 - The Review is of the operation and effectiveness of the Act, and this does not include a consideration of significant policy issues.
 - There will be targeted consultation with those who have been, or will likely be, engaging in New Zealand's licencing and permitting processes / directly affected by the Act.
- The following links to MBIE website are public and were also brought to the attention of the attached targeted stakeholders:

- On 17 August, a press release was issued on the MBIE website: <https://www.mbie.govt.nz/about/news/statutory-review-of-space-law-starts/> with the Terms of Reference for the Review. It also noted there would be a separate consultation on space policy settings more broadly, including consideration of the peaceful, sustainable and responsible uses of space.
 - An open invitation for directly affected parties to provide a submission via an email address provided at <https://www.mbie.govt.nz/science-and-technology/space/our-regulatory-regime/technical-three-year-review-of-oshaa/>. The consultation phase ended on 28 September.
- We have provided the **attached** relevant Ministerial briefings, and outcomes of Ministerial meetings, regarding the scope of the Review. Please note that the separate consultation on space policy has been postponed, including to allow for more urgent matters to be considered by Cabinet (e.g. COVID-19 response).

All submissions received

- All submissions received have been withheld. The MBIE Review team is preparing a report for the Minister, based on the submissions received, and this will be presented to the House of Representatives as soon as practicable following completion.

We have withheld information under each of the above headings. Where information is in scope, but has been **withheld**, it is under the following sections of the OIA:

- **S 9(2)(a)**: withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons;
- **S 9(2)(ba)(i)**: withholding of the information is necessary to protect information which is subject to an obligation of confidence...where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;
- **S 9(2)(f)(iv)**: withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- **S 9(2)(g)(i)**: withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

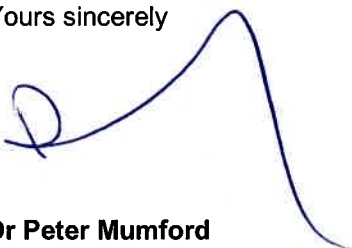
For the information that has been withheld, I do not consider that the withholding is outweighed by public interest considerations in making the information available.

The following information is regarded as **out of scope**:

- Communications (including briefings and emails) which do not reflect Ministerial decisions made regarding the Terms of Reference and scope of the Review.
- Communications regarding the public announcement of the Review and separate policy process.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Dr Peter Mumford

Policy Director, International Environment, Science, Innovation and International Labour, Science and Enterprise Group

Annexes:

- Annex One: The Scope of the Review of the Outer Space and High-altitude Activities Act
- Annex Two: Commencing the Review of the Outer Space and High-altitude Activities Act
- Annex Three: Amended Terms of Reference for Review of the Act
- Annex Four: Email confirming processes for the Review
- Annex Five: Stakeholder list