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Space law Developments in Asia-Pacific: Diverging national space legislation with regard to the applicability of space law to suborbital flights (4)

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NEW ZEALAND ENTERS THE COMMERCIAL SPACE RACE: THE INTRODUCTION OF THE  
OUTER SPACE AND HIGH ALTITUDE ACTIVITIES BILL 2017 AND CONSIDERATION OF  
IMPORTANT AUSTRALIAN INFLUENCES

**Abstract**

The New Zealand Outer Space and High Altitude Activities Bill (Bill) is presently under review within New Zealand's Parliament. The Bill aims to introduce a licensing framework over launches, launch facilities and payloads. The Bill illustrates much Australian legal influence which both hinders and assists the Bill's legal development. Australia has a far richer space history seeped in military and Cold-War experiences which have led to the steady growth and development of its commercial and military space industries. New Zealand however, has a foundation built principally upon commercial interests in space. As a result, the proposed Bill encompasses Australian strengths and weaknesses; for example, launch and payload licensing within the Bill utilises a legal standard that sits well within the Australian Federal Legal System yet at odds within the New Zealand Legal System. In contrast, the legal provisions set out within the launch facilities license section of the Bill establishes a solid legal standard which will benefit the development of New Zealand space law.

This paper utilises the Submissions made by the Author to the New Zealand Parliamentary Select Committee in February 2017 on the Bill. This paper aims to take a legal professional approach to the legislative framework by offering peers from other jurisdictions, an insight into the legal standard tests adopted within the 3 major components of the Bill and in particular, the paper will focus on the launch licensing legal standard proposed by the Bill. This is analysed within the context of New Zealand's unique development of 3D rocketry technology which has the capacity to offer dual uses.

Comparisons in relation to launch licensing will be considered with reference to the European, Canadian, British and American, space launch licensing standards. The paper will conclude with the important role the New Zealand Space Agency will be tasked with in order to implement and oversee launch licensing legal standards.