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NEW ZEALAND ENTERS THE COMMERCIAL SMALL SATELLITE SECTOR: CHALLENGES AND
AFFORDABILITY

Abstract

New Zealand has entered the small space satellite race and will offer small satellite launch services through its developing commercial private sector. Low Earth Orbital satellites utilising 3D technology and 3D rocketry systems is fast becoming highly popular in New Zealand. The New Zealand government in response has implemented the Outer Space and High Altitude Activities Bill (Bill). The Bill is presently under review within New Zealand's Parliament. The Bill aims to introduce a licensing framework over launches, launch facilities and payloads generally. The Bill illustrates much Australian legal influence. However the Bill makes no concession for a demarcation line between high altitude, low earth orbit, or even outer space. From a legal professional viewpoint, this ambiguity will cause much confusion for both the private sector and the newly established New Zealand Space Agency. Issues of air law, civil aviation and outer space liability, will conflict with the introduction of commercial small satellite missions. Whilst growth is assured, the legal framework extending to licencing, ride-shares, auxiliary payload systems, as well as other integrations of networks between users, must be addressed. New Zealand may become a small satellite mission's leader through the utilisation of highly developed 3D technology. However New Zealand's space policy and legal infrastructure will need close attention whilst in this fundamental developing stage. Australian experiences and lessons learnt, will be an integral part of New Zealand's space sector development. This paper utilises the Submissions made by the Author to the New Zealand Parliamentary Select Committee in February 2017 on the Bill and offers participants in the session a legal professional approach to the legislative and policy considerations which will challenge New Zealand's growing small satellite space industry. Lessons from the Australian space experience will be considered. Contrasting examples will be offered from the experience of the European small satellite private sectors that have successfully navigated their way through policy and legal terrain. The paper will conclude with the present status of New Zealand's small satellite space industry and a forecast will be offered as to the future growth within this new and growing sector of New Zealand.