



Operational Policy: Technical Capability

1.1 Purpose of this document

This is the New Zealand Space Agency's (NZSA) policy which sets out the approach that will be taken when assessing, and preparing advice for the Minister of Economic Development, whether an applicant is technically capable of safely conducting a launch, or safely operating a launch facility, under the Outer Space and High-altitude Activities Act 2017 (**the Act**) and the Outer Space and High-altitude Activities (Licences and Permits) Regulations 2017 (**the Regulations**).

1.2 When to apply this policy

This policy will be applied when assessing applications for:

- + Launch licence
- + Overseas launch licence
- + Facility licence
- + High-altitude licence (where the vehicle proposed to be launched is not an aircraft)

1.3 Relevant sections in the Act and Regulations

The Act requires the Minister to be satisfied that an applicant is technically capable of safely conducting the activities authorised by a licence in order to grant that licence. The exception is an application for a high-altitude licence where the vehicle proposed to be launched is an aircraft. The relevant sections in the Act are:

- + [9\(1\)\(a\)](#): *When launch licence may be granted*
- + [25\(1\)\(a\)](#): *When overseas launch licence may be granted*
- + [40\(1\)\(a\)](#): *When facility licence may be granted*
- + [47\(1\)\(a\)\(i\)](#): *When high-altitude licence may be granted*

The Regulations set out the information that needs to be provided with an application to demonstrate this technical capability. The relevant sections in the Regulations are:

- + [Schedule 3](#): *Information required for launch licence or overseas launch licence application: see clause 9*
- + [Schedule 5](#): *Information required for facility licence application: see clause 4*
- + [Schedule 6](#): *Information required for high-altitude licence application: see clause 8*



1.4 Policy intent

To obtain a licence under the Act, applicants must satisfy the Minister that they are technically capable of conducting the activities authorised by the licence safely. NZSA will not take a “one size fits all” approach when conducting this assessment and preparing its advice to the Minister. NZSA will give regard to the complexity of the activity proposed when considering the technical capability requirements.

This policy is not intended to be prescriptive in its application. The application of this policy is intended to evolve to reflect the development of new technologies and to align with industry best practice.

1.5 Determining technical capability

Under the Act, the Minister may treat licences, permits or other authorisations from other jurisdictions as satisfying some or all of New Zealand’s requirements for an applicant to demonstrate technical capability. This does not apply to the requirements for the grant of a high-altitude licence.

For example U.S Federal Aviation Administration launch licences, held by the applicant, may be treated as meeting New Zealand’s launch licence requirements relating to technical capability.

If an applicant is seeking to rely on a foreign licence, permit or other authorisation to satisfy the technical capability requirement, they should contact NZSA at nzspaceagency@mbie.govt.nz

1.5.1 The Applicant may demonstrate technical capability through employment or contractual arrangements

Applicants must demonstrate they have the technical capability necessary to manage the risks associated with the proposed activity. The applicant may demonstrate this through the employment of specialist staff or contractual arrangements, that the technical capability to carry out the activities safely has been met. This may be demonstrated through one or more employed or contracted persons.

1.5.2 How an applicant’s technical capability may be demonstrated:

The regulations require every applicant provide certain information about each person whose technical capability they are relying on for the purposes of the application. These include;

- + The person’s name;
- + The person’s relationship to the applicant;
- + Evidence of the person’s relevant qualifications and experience; and



- + Any other information relevant to the assessment of the person's technical capability. This may include;
 - o References from members of the industry;
 - o Professional organisation memberships; and
 - o A history of successfully completing similar activities in other jurisdictions.

If there is a question regarding any specific evidence you may consider relevant please contact NZSA at: nzspaceagency@mbie.govt.nz

1.5.3 Elements where technical capability must be demonstrated.

The applicant must demonstrate that they have the technical capability to conduct all aspects of the launch or operation of the launch facility safely.

This may require that technical capability be demonstrated in areas such as;

- + Design, implementation and reliability analysis of flight safety systems;
- + Design, implementation and reliability analysis of active orbital debris mitigation processes;
- + Design, construction and operation of a launch facility or launch vehicle;
- + Hazardous substance management;
- + Range safety analysis;
- + The production and implementation of emergency management plans; and

1.5.4 Technical capability throughout the life of the licence

The technical capability demonstrated at the time of granting a licence should be retained by the licence holder throughout the life time of the licence granted under the Act.

If there is a change in employment or contractual arrangements which affects this then the licence holder should notify NZSA as soon as possible.

The licence holder's technical capability should continue to reflect industry best practice over the life of the licence, such as by ensuring staff and contractors undertake continuous professional development.