



PROACTIVE RELEASE COVERSHEET

Minister	Hon Penny Simmonds	Portfolio	Environment
Name of package	Space Vehicle Jettison Debris – regulation review	Date to be published	06/10/2025

List of documents that have been proactively released

Date	Title	Author
14 August 2025	Cabinet paper: Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone	Ministry for the Environment
19 August 2025	Cabinet Committee Minute: Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone [EXP-25-MIN-0086]	Cabinet Office
22 August 2025	Cabinet Minute: Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone [CAB-25-MIN-0285]	Cabinet Office

Information redacted **YES** **NO**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld from *Cabinet paper: Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone* under Section 9(2)(b)(ii) of the Official Information Act to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Office of the Minister for the Environment
ECO - Cabinet Economic Policy Committee

Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone

Proposal

1 I seek Cabinet delegation to:

- approve public consultation on amending the regulations managing space vehicle¹ jettison debris in the Exclusive Economic Zone and Continental Shelf
- make policy decisions on the regulations managing space vehicle jettison debris in the Exclusive Economic Zone and Continental Shelf
- approve Parliamentary Counsel Office drafting instructions for amendments to the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013.

Relation to government priorities

2 This proposal relates to the *Going for Growth* Strategy released in February 2025, which seeks to deliver more jobs, higher incomes, and money to invest in public services.

3 This proposal also relates to the *New Zealand Space and Advanced Aviation Strategy 2024 – 2030*, which aims to double the size of the Space and Advanced Aviation sector by 2030.

Executive Summary

4 Current regulations impose a 100-launch deposition limit for space vehicles in New Zealand to manage environmental effects in the Exclusive Economic Zone and Continental Shelf. Due to the rapid growth of the space and advanced aviation sector, this launch deposition limit is anticipated to be reached in 2026.

5 I propose reviewing these regulations at pace. I therefore seek Cabinet delegation for me to approve consultation, make final policy decisions and issue drafting instructions for amendments to the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013. This will enable us to enact an immediate solution by the end of 2025.

6 I intend to return to Cabinet in December 2025 with drafted regulations for approval. I will consult the Minister for Space before approving consultation, finalising policy, and issuing drafting instructions. When returning to Cabinet, I will also provide advice on whether further review of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 ('EEZ Act') and regulations is needed to support longer-term growth within environmental limits, including whether there needs to be a limit on deposition at all.

Background

Regulations for a developing industry

- 7 Space vehicle launches from New Zealand are managed under the Outer Space and High-altitude Activities Act 2017. This includes licensing of launches and permitting of payloads.
- 8 The environmental effects of space vehicle debris jettisoned into the Exclusive Economic Zone (EEZ) and Continental Shelf during normal launch operations are managed under the EEZ Act.
- 9 Under the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013 ('EEZ regulations'), space vehicles are permitted to deposit jettisoned debris on the seabed in the EEZ for up to 100 launches. This limit applies to all space vehicle operators. Any launches beyond this limit would require a fully notified marine consent.
- 10 The 100-launch deposition limit was based on an Ecological Risk Assessment (ERA) undertaken by NIWA (now Earth Sciences New Zealand) in 2016 for a space vehicle producing 1 tonne of debris per launch. The ERA considered that environmental effects of up to 100 launches would be low.
- 11 A follow-up ERA was conducted by NIWA in 2017. This expanded the area where jettisoned debris could land and considered the effects of a larger space vehicle producing 40 tonnes of debris per launch. The ERA considered that environmental effects would be moderate at 100 launches.
- 12 When the limit was established in regulations in 2017, the space and advanced aviation sector in New Zealand was in the early stages of development and launches were not occurring regularly.

The space and advanced aviation sector is growing rapidly

- 13 Since the launch deposition limit was introduced in 2017, the New Zealand space and advanced aviation sector has grown rapidly. A 2024 economic study stated that the space sector contributes \$2.47bn to the New Zealand economy annually and supports around 17,000 full time equivalent positions in New Zealand. The New Zealand space market has grown 53% since 2019 with year-on-year growth of 8.9%. The Government has supported this growth through the *National Space Policy* in 2023 and has ambitions to double the size of the sector in the *Space and Advanced Aviation Strategy 2024 – 2030*.
- 14 There is more data about jettisoned debris from space vehicles because of an increase in launch cadence since 2017. New Zealand now ranks fourth globally in overall orbital rocket launch cadence. The average volume of debris jettisoned during normal operations is now understood to be 1 tonne per launch, rather than the 40 tonnes assumed in 2017. There is also more information on the ocean and seabed environment where the debris is jettisoned.
- 15 As a result of the growth of the space sector, the 100-launch deposition limit is anticipated to be reached in late 2026. Any launches past this limit will mean an operator has to apply for a marine consent. These can take up to a year to process and cost between \$600,000 and \$1 million per application. The customers of

operators may have reservations booking launches in 2026 as industry approaches the limit.

- 16 Launches are often planned a year in advance and the demand for launches has been increasing. Many major spaceports around the world are currently oversubscribed, with the number of orbital launches worldwide exceeding 250 in 2024.
- 17 [REDACTED]
- 18 To support the continued growth of the space sector within environmental limits and to provide investment certainty for existing and potential space vehicle operators, the launch deposition limit needs to be revisited as soon as possible.

Analysis

The need for change

- 19 The current regulatory framework, while suitable for the early stages of a developing industry, will now constrain operators when the frequency of launches approaches and exceeds the launch deposition limit. Additionally, as launch frequency increases, the cumulative and long-term impacts on the marine environment may become more significant and warrant review.
- 20 Without reform, this could create significant regulatory and financial barriers that will impact industry competitiveness and growth. This could also negatively impact both commercial and research operations.

Solutions

- 21 An immediate solution to address near-term capacity could be delivered by the end of 2025 through delegated decision making from Cabinet. This would involve targeted changes to existing regulations, such as increasing the launch deposition limit or moving to a mass (weight) deposited limit. This would address immediate pressures but may require further review in the future.
- 22 An immediate solution to address near-term capacity without delegated decision making from Cabinet is not achievable before March 2026 and would not provide certainty for forward planning of launches and investor confidence. I do not consider this approach to be appropriate.
- 23 I propose that Cabinet delegate the responsibility to develop an immediate solution to changing the EEZ regulations to me. I will consult the Minister for Space when making delegated decisions.

Scope of decision making

- 24 The matters for consideration when making or amending regulations under the EEZ Act are narrow in scope. The matters for consideration include the environmental effects of jettisoned debris on the water column and seabed in the EEZ, effects on existing interests (including Iwi/Māori, maritime and fishing), international obligations, economic benefits and environmental sustainability.

25 There will also be consideration of whether there can be exemptions for where the debris is recovered and potential new technology, such as reusable rockets.

26 I have commissioned an updated ERA from Earth Sciences New Zealand to determine environmental effects. This desk-based assessment will consider updated information on launch trajectories, material and volume deposition, vehicle structure, launch frequency, and effects on the marine environment. Effects on existing interests will be determined by targeted and public consultation.

27 There are several matters which are not in scope of this review. These matters include:

- Regulation of space vehicle launches under the Outer Space and High-Altitude Activities Act 2017. This includes issuance of launch licences and payload permits, suitability of launch operators, risks to national security, notification requirements and orbital debris mitigation.
- Effects management (eg, noise, effects on other activities) on land and in the territorial sea under the Resource Management Act 1991.
- Exclusion zones managed by the Civil Aviation Act 1990 and the Maritime Transport Act 1994.
- Any effects on the atmosphere or outer space.

Consultation and existing interests

28 The EEZ Act also sets out consultation and notification requirements when making or amending regulations.

29 The Minister for the Environment must notify the public, iwi authorities, regional councils, and persons whose existing interests are likely to be affected about the proposed subject matter and reasoning for consideration. The Minister must also establish a process which gives these groups adequate time and opportunity to comment on the subject matter.

30 I intend to undertake targeted consultation with:

- Ngāi Tahu and Rongomaiwha, as mana whenua of the existing ground-based space vehicle launch areas;
- Hokotehi Morihi Trust, Ngā Hapū o Ngāti Porou, Te Rūnanga o Ngāi Tahu and Ngāti Mutunga o Wharekauri Iwi Trust due to Treaty Settlements;
- Te Ohu Kaimoana, as the fisheries settlement organisation;
- Existing interests in the launch debris areas, including industry (such as commercial fisheries operators) and iwi/hapū with gazetted rohe moana (customary fisheries);
- Applicants for customary marine title or protected customary rights in areas adjacent to the launch debris area; and
- Existing space vehicle operators.

31 Public consultation will be undertaken for two weeks in late September / early October. As immediate solutions will require limited changes to the existing regulations, I consider a shorter consultation period appropriate.

Timeframe for action

32 To progress an immediate solution at pace, I seek delegated authority to undertake consultation, make final policy decisions and issue drafting instructions for amendments to the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013.

33 Should any significant changes to the scope of decision-making or implementation arise during the ERA or consultation, I will return to Cabinet to discuss policy options before approving drafting instructions.

34 The ERA is due in September 2025. Subject to Cabinet agreeing the requested delegation, I will finalise consultation documents in consultation with the Minister for Space.

35 Policy decisions would be based on the results of the ERA, Treaty Impact Analysis and consultation. These decisions would be based on the scope of decision making under the EEZ Act.

36 This timeline would enable revised regulations to be in force by December 2025.

Next steps

37 I will make decisions in consultation with the Minister for Space in November and return to Cabinet in December with draft regulations for approval.

38 I will also provide advice on whether further review of the EEZ Act and regulations is needed to support longer-term economic growth within environmental limits when reporting back to Cabinet, including whether there needs to be a limit on deposition at all.

Financial Implications

39 There are no financial implications associated with this proposal.

Legislative Implications

40 Amendments to the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013 are required to action any change to the current maximum launch limit of 100.

Impact Analysis

Regulatory Impact Statement

41 As required by the Ministry for Regulation, before the delegated Minister approves public consultation, the Ministry for the Environment Quality Assessment Panel will review the discussion document to determine that it will lead to effective consultation and enable the development of future impact analysis. Therefore, a separate regulatory impact statement (RIS) is not required at this stage. A full RIS will be

completed at a later stage to inform delegated Ministers' final decisions on this proposal.

Climate Implications of Policy Assessment

42 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal at this time, as it is in the discussion document stage. The CIPA team will be consulted again when the proposal reaches a later stage, at which point a CIPA assessment will be prepared.

Consultation

43 The Civil Aviation Authority, Department of Conservation, Environmental Protection Authority, Land Information New Zealand, Maritime New Zealand, Ministry for Business, Innovation and Employment, Ministry of Defence, Ministry for Foreign Affairs and Trade, Ministry for Primary Industries, Ministry of Transport, Te Puni Kōkiri, Te Tari Whakatau and Treasury New Zealand were consulted on this paper.

44 The Department of Prime Minister and Cabinet was informed.

Communications

45 Consultation will be announced via email communications to stakeholders and publication on the Ministry for the Environment website.

Proactive Release

46 I intend to proactively release this Cabinet paper in part within 30 business days of decisions being confirmed by Cabinet

Recommendations

The Minister for the Environment recommends that the Committee:

- 1 **note** the existing space vehicle launch limit under the EEZ regulations will be reached in late 2026. Beyond this limit, jettison of any space vehicle debris will require a marine consent.
- 2 **note** a review of the EEZ regulations, limited by the scope of matters for consideration under the EEZ Act, is required to enable near-term growth of the space and advanced aviation sector within environmental limits.
- 3 **note** the Minister for the Environment will provide advice to Cabinet on whether a further review of the EEZ Act and regulations is needed to support longer-term growth within environmental limits, including whether there needs to be a limit on deposition at all.
- 4 **authorise** the Minister for the Environment in consultation with the Minister for Space to approve public and targeted consultation on amending the regulations managing space vehicle jettison debris in the Exclusive Economic Zone and Continental Shelf.
- 5 **authorise** the Minister for the Environment in consultation with the Minister for Space to develop and finalise policy on the regulations managing space vehicle jettison debris in the Exclusive Economic Zone and Continental Shelf.

IN CONFIDENCE

- 6 **authorise** the Minister for the Environment in consultation with the Minister for Space to issue drafting instructions to the Parliamentary Counsel Office for amendments to the regulations managing space vehicle jettison debris in the Exclusive Economic Zone and Continental Shelf.
- 7 **invite** the Minister for the Environment to report back to Cabinet by 9 December 2025 with draft regulations and to provide advice on whether a further review of the EEZ Act and regulations is needed, including whether there needs to be a limit on deposition at all.

Authorised for lodgement.

Hon Penny Simmonds

Minister for the Environment



Cabinet Expenditure and Regulatory Review Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Reviewing Regulations for Space Vehicle Jettison Debris in the Exclusive Economic Zone

Portfolio Environment

On 19 August 2025, the Cabinet Expenditure and Regulatory Review Committee:

- 1 **noted** that the existing space vehicle launch limit under the Exclusive Economic Zone and Continental Shelf (Environmental Effects–Permitted Activities) Regulations 2013 (EEZ Regulations) will be reached in late 2026, and that beyond this limit, jettison of any space vehicle debris will require a marine consent;
- 2 **noted** that a review of the EEZ Regulations, limited by the scope of matters for consideration under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), is required to enable near-term growth of the space and advanced aviation sector within environmental limits;
- 3 **noted** that the Minister for the Environment (the Minister) will provide advice to Cabinet on whether a further review of the EEZ Act and Regulations is needed to support longer-term growth within environmental limits, including whether there needs to be a limit on deposition at all;
- 4 **authorised** the Minister, in consultation with the Minister for Space, to approve public and targeted consultation on amending the regulations managing space vehicle jettison debris in the EEZ Regulations;
- 5 **authorised** the Minister, in consultation with the Minister for Space, to develop and finalise policy on the EEZ Regulations;
- 6 **authorised** the Minister, in consultation with the Minister for Space, to issue drafting instructions to the Parliamentary Counsel Office for amendments to the EEZ Regulations;
- 7 **invited** the Minister to report back to Cabinet by 9 December 2025 with draft regulations and to provide advice on whether a further review of the EEZ Act and Regulations is needed, including whether there needs to be a limit on deposition at all.

Tom Kelly
Committee Secretary

Attendance: (See over)

Present:

Hon David Seymour (Chair)
Rt Hon Winston Peters
Hon Nicola Willis
Hon Chris Bishop
Hon Brooke van Velden
Hon Shane Jones
Hon Paul Goldsmith
Hon Louise Upston
Hon Judith Collins KC
Hon Shane Reti
Hon Casey Costello
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Mark Patterson

Officials present from:

Officials Committee for EXP
Office of the Minister for Space
Office of the Minister for Universities
Office of the Minister for the Environment



Cabinet

Minute of Decision

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Report of the Cabinet Expenditure and Regulatory Review Committee: Period Ended 22 August 2025

On 25 August 2025, Cabinet made the following decisions on the work of the Cabinet Expenditure and Regulatory Review Committee for the period ended 22 August 2025:

EXP-25-MIN-0088	Strengthening the University System Portfolio: Universities	CONFIRMED
EXP-25-MIN-0086	Reviewing Regulations for Space Vehicle Jettison Debris in the Exclusive Economic Zone Portfolio: Environment	CONFIRMED
EXP-25-MIN-0083	A Redesigned Vocational Education and Training System: Streamlining Funding Settings Portfolio: Vocational Education	CONFIRMED
EXP-25-MIN-0082	Proposed 5th Edition of the Government Procurement Rules Portfolio: Economic Growth	CONFIRMED
EXP-25-MIN-0085	Funding for the Tāmaki Makaurau By-Election Portfolio: Justice	CONFIRMED

Rachel Hayward
Secretary of the Cabinet



Space vehicle jettison debris review - Approval to consult

Date submitted: 26 September 2025

Tracking number: BRF-6773

Security level: In-Confidence

MfE priority: Urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Penny SIMMONDS Minister for the Environment	Approve public consultation and publication of a discussion document	1 October 2025

Actions for Minister's office staff
<p>Forward this briefing to:</p> <p>Minister for Space, Hon Judith Collins</p> <p>Return the signed briefing to the Ministry for the Environment (ema.pct@mfe.govt.nz) and advice@mfe.govt.nz).</p>

Appendices and attachments
Appendix 1: Draft discussion document: <i>Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone</i>
Appendix 2: Other existing interests
Appendix 3: Cabinet paper and related minute for proactive release

Key contacts at Ministry for the Environment			
Position	Name	Cell phone	First contact
Principal Author	Bonnie Hartfield		
Responsible Manager	Matthew Barbat-Ross	022 010 2147	
General Manager	Jo Gascoigne	027 531 7202	✓

Minister's comments

Space vehicle jettison debris review - Approval to consult

Key messages

1. You have agreed to a review of the space vehicle jettison debris regulations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013 (EEZ regulations) [BRF-6058 refers].
2. The next step in the EEZ regulations review process is public consultation and the second tranche of targeted engagement.
3. Section 32 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the Act) states that you must establish a process that you consider gives the public, iwi authorities, and persons whose existing interests are likely to be affected adequate time and opportunity to comment on the subject matter of the proposed regulations.
4. We recommend opening public consultation on 6 October 2025 and inviting feedback until 19 October 2025. We consider two weeks is appropriate for a narrow, targeted amendment to the EEZ regulations, supported by targeted engagement with persons with other existing interests [BRF-6717 refers].
5. Officials have drafted a discussion document to release alongside public consultation. This can be found in **Appendix 1**. The discussion document includes initial options to amend the launch limit [BRF-6800 refers].
6. During the public consultation period, we will also undertake the second tranche of targeted engagement. Officials will offer to meet with persons with other existing interests, such as potential space vehicle operators, fisheries operators, Customary Marine Title/Protected Customary Rights holders and applicants, and regional councils. A list of these groups can be found in **Appendix 2**.

Recommendations

We recommend that you:

- a. **consult** with the Minister for Space, Hon Judith Collins, in making decisions on this briefing.
- b. **agree to** progress a second tranche of engagement on the review with persons with other existing interests, such as potential space vehicle operators, fisheries operators, Customary Marine Title/Protected Customary Rights holders and applicants, and regional councils.

Yes | No

Yes | No

c. **agree** to consult on the proposed amendments to the regulations for a period of two weeks.

Yes | No

d. **approve** publishing the *Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone* discussion document for public consultation.

Yes | No

e. **agree** this briefing will be released proactively on the Ministry for the Environment's website at the time of public notification of the *Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone* proposals and will be subject to redaction as appropriate under the Official Information Act 1982.

Yes | No

f. **agree** the Cabinet paper and related Cabinet minutes in **Appendix 3** will be proactively released at the time of public notification of *Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone* proposals and will be subject to redaction as appropriate under the Official Information Act 1982.

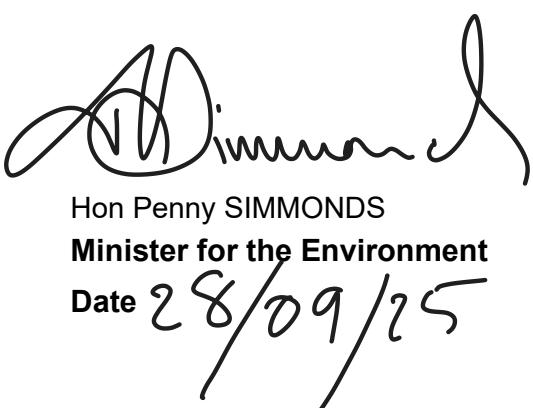
Yes | No

Signatures



Jo Gascoigne
General Manager – Resource Management System
Environmental Management and Adaptation

26 September 2025



Hon Penny SIMMONDS
Minister for the Environment

Date 28/09/25

Space vehicle jettison debris review - Approval to consult

Purpose

1. This briefing requests approval to undertake public consultation on potential amendments to the space vehicle jettison debris regulations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013 (EEZ regulations). It also provides a draft discussion document for feedback and approval.

Background

2. You have agreed to a narrow, targeted review of the EEZ regulations to enable the space industry to grow within environmental limits [BRF-6058 refers].
3. On 25 August 2025, Cabinet delegated responsibility to you for approving consultation, making policy decisions and issuing the Parliamentary Council Office (PCO) drafting instructions for the space vehicle jettison debris review, in consultation with the Minister for Space [CAB-25-MIN-0285].
4. Officials have begun targeted engagement with Treaty partners and persons with existing interests [BRF-6717 refers]. We have also received the ecological risk assessment from Earth Sciences NZ and used this to develop initial policy options for consultation [BRF-6800 refers].

Analysis and advice

Public consultation

5. The next step in the EEZ regulations review process is public consultation and the second tranche of targeted engagement. Under section 32 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the Act), you must establish a process that you consider gives the public, iwi authorities, and persons whose existing interests are likely to be affected adequate time and opportunity to comment on the subject matter of the proposed regulations.
6. Officials have drafted a discussion document to release as part of public consultation. This can be found in **Appendix 1**.
7. The discussion document outlines the effects of space vehicle jettison debris deposition and options to:
 - i Increase the launch limit to 1,000
 - ii Remove the launch limit
 - iii Keep the launch limit at 100 (Status quo).

8. These options have been developed based on the results of the ecological risk assessment and progress with tranche one of targeted engagement [BRF-6800 refers].
9. We recommend opening public consultation and releasing the discussion document on 6 October 2025. We recommend a consultation period of two weeks, closing on 19 October 2025.
10. Public consultation will be announced through the Ministry for the Environment website. We will also directly notify persons with other existing interests we are engaging with as part of our targeted consultation. As this is a narrow, targeted review of the EEZ regulations to provide an immediate solution to near-term capacity constraints, we believe a two-week period of public consultation is appropriate.
11. We are able to support your office with media materials. We will work alongside officials from the NZ Space Agency to co-ordinate any media materials or responses to queries.

Targeted engagement

12. We have begun the first tranche of targeted engagement. Officials have met with representatives from Ngā Hapū o Ngāti Porou, Rocket Lab, Te Ohu Kaimoana and University of Canterbury (UC) Aerospace:
 - i Initial feedback from Rocket Lab and UC Aerospace was positive. Representatives from these groups highlighted the administrative and financial burden of obtaining a marine consent for launches. They were both positive about options that increased the launch limit.
 - ii Initial feedback from Ngā Hapū o Ngāti Porou and Te Ohu Kaimoana was focused on the potential impact of space vehicle jettison debris on the marine environment, particularly around fisheries. They raised concerns about removing the launch limit entirely. A preference for a lower launch limit increase and debris recovery was noted.
13. We have informed Hokotehi Moriori Trust, Ngāti Mutunga o Wharekauri Iwi Trust, Rongomaiwhaing Iwi Trust or Te Rūnanga o Ngāi Tahu of the review and offered to meet with them, but have not yet had any response.
14. During the public consultation period, we will also undertake the second tranche of targeted engagement [BRF-6717 refers].
15. Officials will offer to meet with persons with other existing interests during the public consultation process. We will also notify these persons of the opportunity to submit during the public consultation period. A list of these persons can be found in **Appendix 2**.

Te Tiriti analysis

16. Section 12 of the Act outlines how the Minister for the Environment can give effect to the principles of the Treaty of Waitangi for the purposes of the Act. The Minister must establish and use a process that gives iwi authorities adequate time and opportunity to comment on the subject matter of proposed regulations.

17. The public consultation and targeted engagement process has been designed to ensure the Crown meets its Treaty settlement commitments. As part of the public consultation process, we will notify iwi authorities and provide them with information on how to make a submission.
18. We have begun the first tranche of targeted engagement with Treaty partners who have interests in the area of the EEZ where debris is deposited [BRF-6717 refers]. The second tranche of targeted engagement will include Customary Marine Title/Protected Customary Rights holders and applicants, iwi authorities who have previously commented on space vehicle jettison debris regulations, and iwi with land-based interests in the space and advanced aviation sector.
19. Public consultation and targeted engagement will also provide more information on the potential effects of space vehicle jettison debris in the Exclusive Economic Zone on Māori rights and interests. We will include this information in our subsequent analysis of policy options.

Other considerations

Consultation and engagement

20. We have consulted with the Ministry of Business, Innovation and Employment during the development of the discussion document.

Risks and mitigations

21. The timeframe for the EEZ regulations review has been planned to ensure an immediate solution is in place by the end of 2025, while meeting statutory requirements and Treaty obligations. We consider a two-week consultation period is appropriate for a narrow, targeted amendment to the regulations. A longer consultation period would impact the ability to provide draft regulations and advice on long-term solutions to Cabinet by December 2025. A two-week consultation timeframe is also appropriate due to the limited impact of the proposal (as shown by the ecological risk assessment), supported by targeted engagement.
22. Significant changes to the discussion document or public consultation timelines would impact the ability to provide you with policy options and drafting instructions by the end of October.

Legal issues

23. The proposed consultation period of two weeks is extremely short for a review which may garner significant public interest. The Ministry for the Environment legal team usually recommends a period of public consultation of no less than six weeks. This ensures adequate time and opportunity for the public to engage in the proposal. Short consultation timeframes can be used as the basis for judicial review challenge when it comes to the process of making or amending regulations.
24. In this case, however, the relevant legislative provisions do not specifically set out a required timeframe for public consultation and we consider any risk of challenge to be relatively low given the intention to undertake two rounds of targeted engagement (with

the persons and entities most likely to be affected by the proposal) as well as wider public consultation.

Financial, regulatory and legislative implications

25. This paper is part of a process that will result in changes to existing secondary legislation.

Next steps

26. We will incorporate any feedback into the draft discussion document and provide your office with a final version.
27. Once public consultation has closed, officials will analyse submissions and provide you with policy options alongside a regulatory impact statement (RIS) and Treaty impact analysis (TIA) for consideration by the end of October 2025.

Appendix 1 – Draft discussion document: *Reviewing regulations for space vehicle jettison debris in the Exclusive Economic Zone*

Appendix 2 – Other existing interests

Appendix 3 – Cabinet paper and related minute for proactive release
