

Proactive Release

Date: 17 December 2025

The following Cabinet papers and related Cabinet minutes have been proactively released by the Minister of Foreign Affairs:

<i>Title of papers:</i>	<i>Title of minutes:</i>
Strengthening New Zealand's Export Controls Regime: Release of Consultation Document	CAB-25-MIN-0394
Strengthening New Zealand's Export Controls Regime: Cabinet Approval to Release Consultation Document	FPS-24-MIN-0034

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction codes:

- 6(a): to avoid prejudicing the international relations of the New Zealand Government;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments, and;
- 9(2)(f)(iv): the confidentiality of advice tendered by Ministers of the Crown and officials.

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Cabinet

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.

Report of the Cabinet Foreign Policy and National Security Committee: Period Ended 7 November 2025

On 10 November 2025, Cabinet made the following decisions on the work of the Cabinet Foreign Policy and National Security Committee for the period ended 7 November 2025:

EXP-25-MIN-0034

Strengthening New Zealand's Export Controls

CONFIRMED

Regime: Release of Consultation Document

Portfolio: Foreign Affairs

Rachel Hayward
Secretary of the Cabinet



Cabinet Foreign Policy and National Security Committee

Minute of Decision

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Strengthening New Zealand's Export Controls Regime: Release of Consultation Document

Portfolio Foreign Affairs

On 5 November 2025, the Cabinet Foreign Policy and National Security Committee (FPS):

- 1 **noted** that:
 - 1.1 New Zealand's export controls regime cannot control services and other intangible technology transfers, which are increasingly used by proliferators to acquire knowledge to support programmes of concern;
 - 1.2 this is putting New Zealand's national security, national and economic interests, and international reputation at risk;
- 2 **noted** that, as a member of four Multilateral Export Control Regimes, New Zealand has committed to controlling intangible technology transfers;
- 3 **noted** that in June 2024, FPS noted that the Ministry of Foreign Affairs and Trade is developing enhancements to New Zealand's export controls regime, including controls on intangible technology transfers [FPS-24-MIN-0018];
- 4 **agreed** to publicly consult on proposals to strengthen New Zealand's export controls regime by releasing the consultation document *Proposals to Address Changing Proliferation Challenges Involving Strategic (Military Related) Goods and Technology* (the consultation document), attached as Appendix One to the paper under FPS-25-SUB-0034;
- 5 **noted** that the proposals in the consultation document are intended to manage national security risks and to position New Zealand to benefit from reciprocal licensing exemptions and streamlined compliance processes, through achieving comparability with the export controls of likeminded partners;
- 6 **noted** that consultation is proposed over a five-week period during November/December 2025;
- 7 **authorised** the Minister of Foreign Affairs to make editorial, technical and/or design changes to the consultation document prior to its release, consistent with Cabinet's decisions on the paper under FPS-25-SUB-0034;

- 8 **noted** that any changes to the export controls regime would be given effect through the Export (and Deemed Export) Controls Bill, which has a category 7 priority on the 2025 Legislation Programme (policy development to continue in or beyond 2025);
- 9 **noted** ^{s9(2)(f)(iv)}

Janine Harvey
Committee Secretary

Present:

Hon David Seymour
Rt Hon Winston Peters (Chair)
Hon Nicola Willis
Hon Mark Mitchell
Hon Nicola Grigg

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for FPS

Proactively Released by the Minister of Foreign Affairs

Office of the Minister of Foreign Affairs

Cabinet Foreign Policy and National Security Committee

Strengthening New Zealand's Export Controls Regime: Cabinet Approval to Release Consultation Document

1. This paper seeks agreement to release a public consultation document (**Appendix One**) setting out proposals to strengthen New Zealand's export controls regime. The proposals include options to manage evolving security risks associated with the export of strategic (military-related) goods and technology and better align our export controls with international best practice.

Relation to government priorities

2. The proposals in the draft consultation document support the implementation of New Zealand's National Security Strategy 2023 - 2028, the objectives of the 2025 Defence Capability Plan and the Defence Industry Strategy. These proposals are also consistent with Government goals to double the value of New Zealand exports and strengthen international research collaboration. To achieve these outcomes, New Zealand will need to demonstrate that it has robust and proportionate export controls in place to manage proliferation risks and protect sensitive technologies.

Executive Summary

3. New Zealand's export controls regime is a significant strand in our commitment to minimise the unwanted proliferation of military-related goods and technology in an increasingly challenging strategic environment. Shifts in the international order reflect a more contested and less stable global landscape. Intensifying security competition between states is a key driver of the increase in foreign interference and espionage targeting New Zealand and our international partners.
4. The current export controls regime (administered under the Customs and Excise Act 2018) cannot control services and other Intangible Technology Transfers¹ (ITT), increasingly used by proliferators to acquire knowledge to support programmes of concern. Technology can be easily acquired domestically and shared overseas, circumventing export controls.
5. The regime is currently out-of-step with best practice export controls and our partners including Australia where domestic controls were recently introduced, and ITT is controlled. This has implications for national security and maintaining our international reputation. s6(a)
6. With rapidly growing advanced technology sectors, ITT controls are important to protect our intellectual property, economic potential and opportunities for cooperative research. Access to advanced technology from our partners, rests on having adequate controls in place.
7. In February 2024, the Government reaffirmed an earlier commitment to modernise the New Zealand export controls regime, including looking at introducing controls on ITT. We are seeking approval to consult on introducing similar controls to our like-minded export controls partners, by releasing the consultation document in **Appendix One**, with proposed controls on:
 - 7.1. Transfers of strategic technology within New Zealand (called 'deemed exports');
 - 7.2. Strategic ITT carried out from New Zealand to recipients overseas ('ITT exports');

¹ "Intangible Technology Transfer" (ITT) may include teaching; the provision of services or consultancies; exposure to technical data as part of research or work; practical skills experience working with technology; access to publications (including for patent applications); visual inspection of hardware and software; and meetings, discussions, presentations, seminars and other personal interactions.

- 7.3. Strategic ITT made by New Zealanders and permanent residents when overseas (to control disclosure of sensitive technical ‘know-how’ while travelling offshore); and
- 7.4. The subsequent transfer (i.e. ‘re-export’ or ‘re-transfer’) of the most sensitive goods and technology previously supplied under an export permit, from New Zealand.
8. Administrative changes are included as recommended in the 2021 independent review of the regime.
9. The proposed new controls focus on strategic exports and technology transfers with the highest proliferation risk. They have been carefully developed to balance national security and other risks against additional regulatory burden, as well as broader foreign policy considerations.
10. The proposals are intended to position New Zealand to benefit from reciprocal licensing exemptions and streamlined compliance processes, through achieving comparability with the export controls of our likeminded partners. s9(2)(g)(i)
11. Countries stated as exempt from some proposed controls largely centre around our trusted export control partners within the MECRs, for example, in Europe, North America, as well as Australia, Japan and South Korea s6(a)
12. Proposals relating to ITT were tested previously through an informal working group with the academic and research sector. s6(a)
13. Consultation is proposed to take place over a 5-week period during November/December 2025. s9(2)(f)(iv)

Background

14. The New Zealand Export Controls regime regulates the export of controlled military and dual-use goods, software and technology listed on the New Zealand Strategic Goods List (NZSGL)², and certain other goods and technical data intended for export to military and police end-users (‘catch-all goods’). New Zealand belongs to four international regimes³ and the Arms Trade Treaty. This permitting regime is currently administered by the Ministry of Foreign Affairs and Trade (MFAT) under the Customs and Excise Act 2018 (MFAT would also administer any new controls).
15. The export controls regime is one part of a multi-layered security framework in New Zealand, which collectively aims to prevent unwanted proliferation of strategic goods and technology. It exists alongside our sanctions regimes covering proliferation financing and counter terrorism legislation.
16. In February 2024, the Government reaffirmed a commitment to modernise the regime. This included looking at introducing controls on services and other ITT used by proliferators to acquire knowledge for their technological developments and production of military equipment.
17. Cabinet previously granted MFAT a mandate to progress this work [CAB-19-MIN-0467 refers]. Progress was interrupted by COVID-19 and superseded by the 2021 independent review of the regime. Non-legislative changes were made in 2023, with a view to later making legislative reforms.

² It includes controlled military or dual-use goods, software and technology subject to the current export controls. It is largely derived from the control lists produced by the four export control regimes New Zealand belongs to.

³ The Wassenaar Arrangement (conventional weapons and dual-use goods and technology); the Missile Technology Control Regime (missile-related goods and technologies); the Australia Group (chemical and biological weapons-related materials); the Nuclear Suppliers Group (nuclear material, equipment, technology).

Analysis

18. New Zealand's export controls regime is no longer fit-for-purpose to address contemporary and changing proliferation challenges, putting our national security, our national and economic interests, and our international reputation at risk.

The strategic environment is more difficult and proliferators are changing their behaviour

19. Against a backdrop of heightening global geopolitical/geostrategic tensions, New Zealand faces an increasingly challenging threat environment. Our exposure to adversarial and coercive statecraft is growing. NZSIS threat assessments since 2023 identify foreign interference and espionage as ongoing and evolving threats to our national interests. The 2025 assessment highlighted the increasing complexity and severity of threats, marking this period as one of the most challenging in recent history⁴. Our expertise and innovative sectors have been identified as particularly vulnerable and prime targets (including through insider threats), especially those involved in novel, niche and dual-use technologies.
20. Proliferators are increasingly looking to acquire 'know-how' (instead of goods) to support programmes of concern. Technology can be easily acquired domestically and shared overseas without leaving any trace of the exchange, thereby circumventing export controls. As domestic controls are introduced by our export controls partners, proliferators are looking to attract people with the knowledge and skills they are seeking to their own countries, or to safe locations in third countries, to support production of technological development programmes and strategic goods.
21. Amendments are being made to the Crimes Act 1961, including making it explicit that unauthorised disclosure of military tactics, techniques and procedures is considered wrongful communication of official information [FPS-24-MIN-0012]. Amendments also aim to introduce offences for foreign interference where individuals work on behalf of a foreign power, particularly when such actions are likely to prejudice New Zealand's protected interests, for example, security. Close partners such as Australia and the UK have also taken steps to address these risks. These amendments will not, however, capture all instances of ITT in an export controls context. The changes would not apply to the private sector and academia and would rely on prosecution after the fact rather than pre-authorisation of transfers.

MECR international guidelines are continuing to evolve

22. The current regime focuses on movement of tangible goods and electronic documents across New Zealand's borders and cannot control ITT. The four MECRs regularly agree new guidelines for action by participating States in line with the evolving methods used by proliferators, which participating States are then politically committed to implement. s6(a)

There are economic implications for our advanced technology and research sectors

23. ITT controls are particularly relevant given our rapidly developing advanced technology sectors and the corresponding need to protect our intellectual property and access advanced technology from export control partners, and ensure that New Zealand is not a 'soft target' for actors seeking to gain a strategic advantage.

⁴ The assessment describes how s6(a) states seeking to enhance their military and economic capabilities frequently attempt to gain covert access to sensitive research and intellectual property. This often involves a 'whole-of-state' approach, utilising not just intelligence officers, but also businesses, universities, and think tanks to act on their behalf. Common methods include using cover companies and research collaborations.

24. While making changes would result in additional regulation and administrative burden for those likely to be affected, implementing enhanced controls will be important to protect our intellectual property, economic potential and opportunities for cooperative research, in future. Countries with comprehensive and progressive export control regimes are more likely to benefit from reciprocal licensing exemptions, streamlined compliance processes, deeper research partnerships and trade agreements involving sensitive technology. s9(2)(g)(i)
25. Australia recently introduced enhanced controls, s9(2)(g)(i)
- Australia's changes
- have also been key to its success in negotiating, working with the UK, a US International Traffic in Arms Regulations (ITAR) country exemption.
26. s9(2)(f)(iv)

Proposals

27. A range of proposals to control ITT and make regulatory improvements are set out in the consultation document in **Appendix One**. The proposals have been developed considering the New Zealand context, balancing national security and other risks against additional regulatory burden (including the impact on research and trade), as well as broader foreign policy considerations.
28. The proposals focus on strategic exports and technology transfers with the highest proliferation risk. In line with international practice, proposed controls have been designed not to prohibit activities but to regulate who is eligible to participate in those highest risk activities. This means that reasonable limitations would need to be imposed on some rights protected in New Zealand law (for example, human rights and academic freedom), with appropriate safeguards. A range of exemptions have been included to ensure that low-risk activities and countries with export control regimes meeting standards in the MECRs are not captured unnecessarily under the proposed controls. The proposals also provide for the Secretary of Foreign Affairs and Trade (the Secretary) to retain the ability to extend or reduce the number of exemptions as security and other conditions dictate.

Technology Transfers

29. In the export controls context, technology means specific information *required* for the “development”, “production” or “use” of military (Part 1) or dual-use (Part 2) goods listed in the NZSGL. The proposed new controls would apply only to technology meeting that definition.
30. Proposals include a requirement to obtain a permit for:
- 30.1. Technology transfers to non-exempt foreign nationals⁵ within New Zealand (including via the Cloud), and for the domestic publication of technology listed in NZSGL Part 1, (i.e. military items), and Part 2 Sensitive and Very Sensitive items, (i.e. the most sensitive dual -use items);
 - 30.2. Undertaking NZSGL Part 1 and Part 2 ITT from New Zealand to any recipient(s) overseas (including via the Cloud). This would align ITT controls with those currently in place for strategic goods and technical data being exported; and
 - 30.3. The provision of NZSGL Part 1 and Part 2 Sensitive and Very Sensitive ITT by New Zealand citizens or permanent residents (including those that also hold other citizenships) when offshore to foreign nationals. Exemptions would apply where transfers are being made to citizens of exempt countries, in exempt countries.

⁵ The current proposed exempt country list (consistent with our Catch-all controls exempt country list) is: Australia, Canada, Iceland, Japan, Norway, South Korea, Switzerland, UK, US, and EU member states.

31. To minimise disruption, foreign employees, students or researchers already engaging with controlled technology in their current role would be exempt from permit requirements if domestic controls are introduced, unless there is a material change to the type or scope of controlled technology accessed, or in their employment status. New persons from countries that are not on the country exemption list would require a permit before accessing the most sensitive technology as part of their work.
32. The controls are not intended to apply to executive agencies in the course of official business. Activities such as New Zealand Defence Force capacity building and mentoring, or training foreign forces, would not be impacted by the new technology controls.
33. The subsequent transfer or re-export of military and the most sensitive New Zealand dual-use goods and technology leaving New Zealand would remain under limited regulatory scrutiny to prevent misuse or unauthorised distribution. New Zealand exports to Five Eyes countries would be exempt on condition they could only be re-exported/re-transferred within or between those countries.
34. Exports/transfers of technology under the proposed controls would be assessed against the existing criteria, including whether they may contribute to human rights abuses or contravene international humanitarian law, or whether they would damage New Zealand's international reputation.
35. Implementing these proposed controls is anticipated to have limited regulatory impact as the controls are narrow in scope, subject to a range of exemptions and are likely to affect a relatively limited number of stakeholders. This will be confirmed in the Regulatory Impact Statement, informed by the public consultation, for Cabinet to consider when making final policy decisions.

, Appeals Process, Graduated Warnings and Penalties and Decision Making

36. There is currently no formal appeal process. As recommended in the 2021 independent review, it is proposed that when a preliminary decision is made to deny an export permit application, MFAT be required to notify the applicant and request additional information before a final decision is made (this would formalise the current process). Similarly, to encourage compliance and provide MFAT with more enforcement tools, a range of graduated warnings and penalties are proposed to complement existing criminal penalties.
37. In line with the review, consideration has been given to the balance of ministerial decision-making and decision-making by the Secretary across the regime. Under section 96 of the Customs and Excise Act 2018, the Minister of Customs is empowered to prohibit exports via Order in Council (noting they do so in consultation with the Minister of Foreign Affairs). The resulting order enables the Secretary to make decisions on export permits. Section 97 grants the Secretary authority to prohibit specific exports by notice, after consultation with the Minister of Customs, with the notice similarly empowering the Secretary to make certain permit decisions.
38. While the Minister of Foreign Affairs does not make decisions on individual permits, the Secretary ensures that the Minister (and other Ministers as appropriate), are kept well informed, particularly on complex or sensitive cases. Decisions made by the Secretary are guided by government-approved assessment criteria, which promote objectivity, consistency, and alignment with New Zealand's international obligations, commitments and policies. These criteria are applied rigorously, supported by internal peer review and escalation mechanisms for high-risk cases. This process has been, and continues to be, applied effectively and efficiently. There is no intention to alter this process, although in any new export controls legislation, the Minister of Foreign Affairs, rather than the Minister of Customs, would be specified as the responsible Minister.

Next Steps

39. Subject to Cabinet approval, consultation will take place over five weeks in November/December 2025. Consultation will include in-person and online meetings and hui with a focus on universities and researchers, exporters and civil society. Stakeholders will have the option to have individual meetings with MFAT officials due to commercial confidentiality or security reasons.
40. MFAT intends to build awareness and understanding of changes through education and outreach (including in partnership with agencies such as NZTE). Implementation planning (alongside existing export controls), and effective monitoring will be critical to the successful introduction and ongoing effectiveness of new export controls. Monitoring could include annual surveys of stakeholders engaging with the regime. Building in a specific legislative review period would be another option to evaluate the effectiveness of changes (and the broader regime) over time.
41. Enforcement of proposed controls would rely on a number of agencies (including the New Zealand Police, the New Zealand Customs Service, Immigration New Zealand). MFAT officials have met with those agencies as part of the policy development process and will work with them on detailed implementation planning once decisions on any legislative changes are made.
42. s9(2)(f)(iv)

Cost-of-living, Population and Legislative Implications

43. There are no cost-of-living, population, or legislative implications arising directly from this paper. The Export (and Deemed Export) Controls Bill, intended to include existing export controls in the Customs and Excise Act 2018 and any new controls, is listed in the 2025 Legislation Programme as category 7 (policy development in 2025; drafting instructions in 2026) [LEG-24-MIN-0058].

Financial Implications

44. There are no direct fiscal implications arising from decisions in this paper. The cost of consultation and the associated policy process will be covered within MFAT's 2025/26 baselines.
45. There will be costs associated with implementing any new controls relating to business processes, ongoing public outreach and education, and a small increase in personnel. Currently the number of affected parties is anticipated to be small. We are intending to seek feedback from business, industry, academia and the research community on implementation of the proposed measures. That public consultation will help confirm the number of and impact on affected parties, and through that inform the final costs of implementation.

46. s9(2)(f)(iv)

Further detail on the financial implications, s9(2)(f)(iv)

will be included in the Regulatory Impact Statement (RIS) to inform policy decisions by Cabinet s9(2)(f)(iv)

Regulatory Impact Analysis

47. As required by the Ministry for Regulation, a Quality Assurance panel representing the Ministry of Foreign Affairs and Trade, the New Zealand Customs Service, the Ministry of Justice, and the Ministry of Business, Innovation & Employment has reviewed the consultation document and determined that it will lead to effective consultation and enable the development of future impact analysis. Therefore, a separate RIS is not required at this stage. A full RIS will be completed at a later stage to inform Cabinet's final decisions on this proposal.

Climate Implications of Policy Assessment

48. 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 consultation 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.

Human Rights

49. We consider that the proposals in the draft consultation document are consistent with the New Zealand Bill of Rights Act 1990 (NZBORA) and the Human Rights Act 1993. Any limitation of rights and freedoms contained under NZBORA or the Human Rights Act, are intended to be limited only to a proportionate and reasonable extent and only where those limitations can be reasonably justified in a free and democratic society. Proposed legislation will be assessed for consistency with NZBORA.
50. We recognise that the proposals may impact on the work carried out by academic institutions. The proposals are intended to carefully balance the academic freedoms protected under the Education and Training Act 2020⁶.

Use of external Resources

51. No external resources were used in the preparation of this paper (or draft consultation document).

Consultation

52. The New Zealand Customs Service, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Justice, Ministry for the Environment, New Zealand Trade and Enterprise, Ministry of Defence, New Zealand Defence Force, New Zealand Security Intelligence Service, Government Communications Security Bureau, Ministry for Regulation, New Zealand Police, Crown Law, Public Service Commission, Invest New Zealand, Te Puni Kokiri and the Treasury and were consulted on this paper. The Department of the Prime Minister and Cabinet and the Parliamentary Counsel Office were informed.
53. Proposals relating to ITT were tested previously through an informal working group that included participants from the academic and research sector. s6(a)

Communications

54. Subject to Cabinet approval, MFAT will make the consultation document available on its website and issue a media release. Key stakeholders, including peak bodies representing sectors likely to be affected by the proposed changes, and individuals/entities engaging with the export controls regime, will be informed by email and through regular exporter communications.

Proactive Release

55. We intend to proactively release this Cabinet paper once consultation has commenced, subject to appropriate redactions under the Official Information Act 1982.

⁶ Under section 266, academic institutions are given independence and freedom to make academic, operational, and management decisions. However, this independence is only to the extent that is consistent with the nature of the services they provide, the efficient use of national resources, the national interest, and the demands of accountability. Section 267(4) refers to “the freedom of academic staff and students to engage in research”.

Recommendations

56. The Minister of Foreign Affairs recommends that the Committee:

- 1 note that New Zealand's export controls regime cannot control services and other Intangible Technology Transfers, increasingly used by proliferators to acquire knowledge to support programmes of concern, which is putting our national security, national and economic interests, and international reputation at risk.
- 2 note that New Zealand has committed to controlling Intangible Technology Transfers under the four Multilateral Export Control Regimes.
- 3 note that in February 2024, the Government reaffirmed an earlier commitment to modernise the New Zealand export controls regime, including introducing controls on Intangible Technology Transfers.
- 4 agree to publicly consult on proposals to strengthen New Zealand's export controls regime by releasing the consultation document *Strengthening New Zealand's Export Controls Regime*, included as **Appendix One**.
- 5 note that the proposals are intended to manage national security risks and to position New Zealand to benefit from reciprocal licensing exemptions and streamlined compliance processes, through achieving comparability with the export controls of our likeminded partners.
- 6 note that consultation is proposed over a 5-week period during November/December 2025.
- 7 authorise the Minister of Foreign Affairs to make editorial, technical and/or design changes to the consultation document prior to its release, consistent with this Cabinet paper.
- 8 note that proposals would be given effect through the Export (and Deemed Export) Controls Bill, listed as category 7 in the 2025 Legislation Programme [LEG-24-MIN-0058].
- 9 s9(2)(f)(iv)

Authorised for lodgement.

Rt Hon Winston Peters

Minister of Foreign Affairs

Appendix One – Consultation document: *Strengthening New Zealand's Export Controls Regime: Proposals to address changing proliferation challenges involving strategic (military-related) goods and technology*

Note: This is publicly available on the Ministry of Foreign Affairs and Trade website
<https://www.mfat.govt.nz/assets/Trade-General/Export-controls/Strengthening-New-Zealands-Export-Controls-Regime-v2.pdf>

Proactively Released by the Minister of Foreign Affairs