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**MANATŪ KAUPAPA
WAONGA**
NEW ZEALAND
MINISTRY OF DEFENCE

4 September 2026

RESPONSE TO YOUR REQUEST FOR OFFICIAL INFORMATION

Thank you for your email of 8 August 2026 to both the Ministry of Defence (the Ministry) and the New Zealand Defence Force (the NZDF), in which you requested, pursuant to the Official Information Act 1982 (the Act), information regarding defence export controls on Defence procurement and sustainment. In summary, you ask about:

1. details relating to the United States (US) Foreign Military Sales (FMS) third-party transfer and International Traffic in Arms Regulations (ITAR) requirements and how these are considered for the Ministry's delivery of major defence capability projects
2. briefings relating to the impact of US export controls on New Zealand
3. Defence documents regarding US export controls.

NZDF will also respond to you separately.

FMS and ITAR information in relation to major projects being delivered by the Ministry

The information you request for part 1 is not readily available in the form you seek. It would require substantial collation and research to provide the necessary details relating to FMS, ITAR and to considerations for the procurement process, which are a part of each investment proposal. Ministry projects are necessarily large and complex, and operate over a number of years. In addition, ITAR controls relate to individual componentry, so apply to a wide array of subcomponents of a project. As such, your request for this information is declined in line with section 18(f) of the Act.

I encourage you to review the information provided, alongside public details arising from congressional FMS notifications, the Defence Major Projects Report, and proactively released Cabinet material for investment decisions, in order to identify more specific elements that you are interested in. However, please be aware in refining your request that, by their nature, ITAR regulations and FMS third-party transfer approval requirements apply to sensitive controlled technology, and so national security and international relations sensitivities are likely to apply to a large number of the items you are asking about, and it is therefore likely that details will need to be withheld under section 6(a) of the Act, and section 6(b)(i) where information is provided by another government with an expectation of confidence.

Defence procurement considerations of export controls are not unique to the US and are applicable to all controlled technologies sourced from countries of origin or transferred in some form by Defence. Defence Request for Information or Request for Proposal documentation requires respondents to be able to demonstrate through evidence any export control considerations, limitations or provisos, their ability to obtain, maintain and comply with applicable export control requirements, including classified technology or technical information embedded within the Contract Deliverables, and impacts on timeframes.

Defence may at its discretion, determine that it will not enter into a contract with a respondent unless it is satisfied that all required export control requirements have been obtained, or will be obtained prior to the date required for the respondent to be able to meet its obligations under contract. This is also supported through Defence internal guidance on FMS and controlled technology.

Each year the Ministry produces a Major Projects Report, which provides detailed information about the Ministry's delivery of major capability projects. This includes detail on the requirements and definition work that drove the selection of the capability, along with the business case process that was followed, and the subsequent procurement process – including use of FMS. The most recent report was considered by the Foreign Affairs, Defence and Trade Select Committee on 3 September and is available at:

<https://defence.govt.nz/publications/major-projects-report-2025>.

Details about how the FMS and ITAR systems apply for Defence projects is set out in Annex A. This includes details of the congressional notification of FMS requests.

To address the remaining elements of your request we have identified the following relevant information.

The effect of US export controls

The *New Zealand Defence Industry Strategy*, which was released in October 2025, identified a commitment to reducing the barriers to the exchange of technology and technical information that would benefit New Zealand's industrial base and make exporting easier. Further detail on this is set out in the Strategy, which is available on the Ministry's website at: <https://www.defence.govt.nz/business-and-industry/defence-industry-strategy/>

Defence, the Ministry of Foreign Affairs and Trade, New Zealand Trade and Enterprise, and the New Zealand Space Agency are working together to seek information from New Zealand's Defence and Space industry on regulatory, policy, procurement, export control and other barriers encountered when engaging with the US in the defence, space and sensitive technology sectors. Engagement with New Zealand industry in these sectors began through a voluntary survey on 19 August 2026.

The Government is seeking examples that illustrate barriers affecting companies' ability to access opportunities, develop partnerships, participate in supply chains or work with US Government agencies and customers. As well as examples of positive experiences or practical solutions that have helped companies manage or overcome these challenges are also being sought.

The information collected will primarily be used to help Government better understand barriers facing New Zealand companies, identify common or systemic issues, inform policy development and advocacy, identify where Government support may be beneficial, engage with relevant US Government agencies, and identify positive experiences and practical solutions that support future industry engagement.

A short update on this matter was provided as part of the Defence Weekly Report to the Minister of Defence during the period 30 July – 5 August 2026.

While this work is underway, further information is withheld pursuant to sections 6(a), 6(b)(i), and 9(2)(f)(iv) of the Act.

Under section 28(3) of the Act you have the right to request the Ombudsman to investigate and review this response.

Yours sincerely

Sarah Minson
Deputy Secretary Capability and Delivery

Enclosure: Annex A: Details on the United States Foreign Military Sales Program (FMS) and United States International Traffic in Arms Regulations (ITAR)

Released under the Official Information Act 1982

Annex A: Details on the United States Foreign Military Sales (FMS) Program and United States International Traffic in Arms Regulations (ITAR)

FMS

The Ministry's work on the delivery of major military equipment can involve the use of the United States FMS Program. This Government-to-Government process is used to facilitate the sale and export of US defence equipment, services and training. The FMS also helps to manage risk and provides New Zealand with continued access to a system of upgrade and repair options.

FMS provides pricing via a government to government agreement that manages cost escalation risk, and operates on a US Government "no-profit" and "no loss" basis. It is also beneficial that the military off-the-shelf capabilities are proven, and often in-use by our ally and partners.

FMS sales of major defence equipment to New Zealand require Congressional notification, which are made publicly available. Notifications since February 2026 are available from the US Department of State website: <https://state.gov/arms-sales-congressional-notifications>. Prior notifications are available from this page of the Defense Security Cooperation Agency website: <https://dsca.mil/Press-Media/Major-Arms-Sales>.

The Ministry's investment proposals include objective analysis in accordance with the Better Business Cases methodology. This allows for better comparability and transparency that lets government make smart investment decisions that maximise public value. Details about this are provided on the Treasury website at: <https://treasury.govt.nz/information-and-services/public-sector-leadership/investment-management/better-business-cases>. Once Cabinet has approved a capability, the Ministry also prepares the associated Cabinet papers or Ministerial submission for proactive release, and these are published on the Ministry's website at <https://defence.govt.nz/publications> – subject to necessary redactions, due to national security or commercial sensitivities.

The Ministry's procurement activity, including the use of FMS, is delivered in accordance with the Government Procurement Rules. Details about these considerations are available from this website: <https://procurement.govt.nz/government-procurement-framework/government-procurement-rules/>.

ITAR

Delivery of the Ministry's projects necessarily involves end-use obligations on the purchase, support and sustainment, and disposal of controlled technology. Where this involves working with the US, items being procured that are included on the US Department of State US Munitions List are controlled by the US ITAR regime.

ITAR is administered by the Directorate of Defence Trade Controls (DDTC). ITAR and the DDTC help to ensure sensitive and controlled technologies are not passed to adversaries of the United States Government or actors not trusted to use them in ways that align with our values.