

19-D-02156

s 9(2)(a)
s 9(2)(a) @stuff.co.nz

Tēnā koe s 9(2)(a),

Thank you for your email of 24 September 2019 requesting the following under the Official Information Act 1982 (the Act):

"the list of businesses reported for non-compliance [under the Waste Minimisation (Plastic Shopping Bags) Regulations 2018]"

This information has been withheld under the following section of the Act:

- 6(c) to protect information where the making available of the information would likely prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial.

Since 1 July 2019, the Ministry for the Environment (the Ministry) has received a total 308 reports of non-compliance with the ban. However, this does not mean that there are 308 retailers providing banned bags: we are currently assessing the validity of these reports and confidentiality is important.

There are a range of actions that the Ministry may take for retailers who do not comply with the ban. Under the Waste Minimisation Act 2008 a person who knowingly contravenes the regulations may be liable on conviction to a fine of up to \$100,000. These fines are not specific to the plastic bag regulations.

Prior to taking any action we need to gather a range of information from several sources to verify the allegations and balance the competing interests of open government, with the need to follow due process and ensure proper administration of justice. However to assist your enquiry we have attached a summary of the retail sectors reported by the public.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Executive Relations team.

Nāku iti noa, nā



Shaun Lewis

Director, Mana Honohono, Investments and Partnerships

Waste Minimisation (Plastic Shopping Bag) Regulations 2018 – Reports of Alleged Non-Compliance – Sectors Reported by the Public

Background

- Under the Waste Minimisation (Plastic Shopping Bags) Regulations 2018, retailers are no longer able to sell or distribute single-use plastic shopping bags.
- The ban entered into force on 1 July 2019. Since this date, the Ministry for the Environment is receiving reports of retailers allegedly providing banned bags via the online form on the Ministry's website.
- As of 16 October 2019, the Ministry received 308 reports of non-compliance. Note: these reports are allegations of non-compliance. This does not mean that there are 308 retailers providing banned bags: the Ministry is currently assessing the validity of these reports.
- The Ministry assesses the validity of the reports by checking whether the reported bags meet the requirements of the ban: the ban applies to all new single-use plastic shopping bags with handles that are made of plastic up to 70 microns in thickness. You may find more information on the Ministry's website: <https://www.mfe.govt.nz/waste/single-use-plastic-shopping-bags-banned-new-zealand>.
- The table below highlights the sectors reported by the public.

Sector	Number
Clothing store	119
Other	63
Take-away shop	35
Café/restaurant	34
Supermarket or grocery	17
Gift shop	14
Dairy or convenience store	14
Local market	6
Liquor store	4
Fishmonger	1
Butcher shop	1
Grand Total	308

- The category 'Other' includes department stores, hair salons, pharmacies and games retailers.