



16 December 2024

OIAD-1392

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Dear 9(2)(a)

Thank you for your email of 18 November 2024 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

We write on behalf of the Waste Management Industry Forum (WMIF). On 2 October 2024, the WMIF requested that the Ministry for the Environment (the Ministry) provide it information that it holds about the waste minimisation levy (the OIA request). On 14 November 2024, the Ministry provided some of the information requested. However, it declined to provide information in relation to Environment Canterbury and the Greater Wellington Regional Council on the basis that these are regional councils and not territorial authorities. As a follow up request, the WMIF requests the following information pursuant to s 12 of the Official Information Act 1982:

1. *Copies of the voluntary reports provided to the Ministry by the following territorial authorities about their spending of the waste minimisation levy for the 2021/2022 and 2022/2023 financial years:*
 - a. *Christchurch City Council, Ashburton District Council, Hurunui District Council, Mackenzie District Council, Selwyn District Council, Timaru District Council, Waimakariri District Council, Waimate District Council, Waitaki District Council.*
 - b. *Wellington City Council, Hutt City Council, Porirua City Council, Upper Hutt City Council, Kapiti Coast District Council, Masterton District Council, Carterton District Council, South Wairarapa District Council, Tararua District Council.*
2. *Copies of any reports (or other documents summarising the findings of those reports), as well as the assessment criteria, of the audits that the Ministry has conducted since July 2021 to ensure that the levy has been spent in accordance with the adopted WMMPs, for the following territorial authorities:*
 - a. *Auckland Council.*
 - b. *Christchurch City Council, Ashburton District Council, Hurunui District Council, Mackenzie District Council, Selwyn District Council, Timaru District Council, Waimakariri District Council, Waimate District Council, Waitaki District Council and Kaikōura District Council.*
 - c. *Wellington City Council, Hutt City Council, Porirua City Council, Upper Hutt City Council, Kapiti Coast District Council, Masterton District Council, Carterton District Council, South Wairarapa District Council, Tararua District Council.*

The Ministry has identified 6 documents in scope of your request, as listed in the attached document table.

In response to question one of your request, we are releasing four documents to you in full.

In response to question two of your request, we are unable to provide copies of the requested audit reports in accordance with section 88 of the Waste Minimisation Act 2008. This section states that an auditor must not disclose to any person information obtained in the exercise of the auditor's powers, except— (a) in a prosecution under this Act; or (b) in an action for the recovery of any amount due under this Act; or (c) to the Secretary, the Minister, or a person authorised by the Secretary or the Minister to receive the information. More information is available on the New Zealand Legislation website here: legislation.govt.nz/act/public/2008/0089/latest/DLM1154682.html

Therefore, we must refuse question 2 of your request under section 18(c)(i) of the Act as the making available of the information requested would be contrary to the provisions of a specified enactment.

In the interests of transparency, we are providing a copy of the Audit report template in full to you and a link to the publicly available document of Waste Levy spending guidelines for Territorial Authorities.

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 Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely,



Shaun Lewis,
General Manager – Waste Systems
Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

Document no.	Document date	Content	Decisions
1	2021/22	2021 2022 Levy Spend Report Data Canterbury.xlsx	Release in full
2	2021/22	2021 2022 Levy Spent Report Greater Wellington Region.xlsx	Release in full
3	2022/23	2022 2023 Levy Spend Report Data Canterbury.xlsx	Release in full
4	2022/23	2022 2023 Levy Spent Report Greater Wellington Region.xlsx	Release in full
5	N/A	TA Audit Report Template.docx	Release in full
6	N/A	Waste Levy Spending Guidelines for Territorial Authorities	Release in full environment.govt.nz/assets/Publications/Files/waste-levy-spending-guidelines-territorial-authorities.pdf