



Consultation document

Have your say on proposed amendments to waste legislation

Tukuna ō whakaaro mō ngā menemana marohi ki te ture para



Ministry for the
Environment
Manatū Mō Te Taiao



Te Kāwanatanga o Aotearoa
New Zealand Government

Disclaimer

The information in this publication is, according to the Ministry for the Environment's (the Ministry) best efforts, accurate at the time of publication. The Ministry will make every reasonable effort to keep it current and accurate. However, users of this publication are advised that:

- the information does not alter the laws of New Zealand, other official guidelines, or requirements
- it does not constitute legal advice, and users should take specific advice from qualified professionals before taking any action based on information in this publication
- the Ministry does not accept any responsibility or liability whatsoever whether in contract, tort, equity, or otherwise for any action taken as a result of reading, or reliance placed on this publication because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in, or omission from the information in this publication
- all references to websites, organisations or people not within the Ministry are for convenience only and should not be taken as endorsement of those websites or information contained in those websites nor of organisations or people referred to.

This document may be cited as: Ministry for the Environment. 2025. *Have your say on proposed amendments to waste legislation: Consultation document*. Wellington: Ministry for the Environment.

Published in April 2025 by the
Ministry for the Environment
Manatū mō te Taiao
PO Box 10362, Wellington 6143, New Zealand
environment.govt.nz

ISBN: 978-1-991140-78-4

Publication number: ME 1887

© Crown copyright New Zealand 2025

Contents

Message from the Minister for the Environment	5
What is being consulted on	6
How to have your say	6
Closing date for submissions	6
Further information	6
What happens next?	7
Publishing and releasing submissions	7
Creating a framework for extended producer responsibility	8
Proposal	8
Current situation	8
The proposal in detail	8
Consultation questions	10
Improving the waste levy system through changes to levy allocation, distribution and use	11
Proposal	11
Current situation	11
The proposal in detail	12
Consultation questions	15
Clarifying the roles and responsibilities in the waste legislation	18
Proposal	18
Current situation	18
The proposal in detail	19
Consultation questions	20
Creating a modern, effective compliance regime	21
Proposal	21
Current situation	21
The proposal in detail	22
Consultation questions	22
Enabling efficient and effective controls for littering and other types of mismanaged waste	23
Proposal	23
Current situation	23

The proposal in detail	24
Consultation questions	28
Appendix 1: Summary of proposed extended producer responsibility framework	30
Appendix 2: Litter Act changes to public authorities who can appoint Litter Control Officers	33

Tables

Table 1: Example of the impact of a 20 per cent flat rate incorporated levy for some territorial authorities (2023/24 financial year)	12
Table 2: Key tiers for proposed general compliance framework	22
Table 3: Draft infringement levels for proposed mismanaged waste compliance framework	27
Table 4: Summary of proposed key roles and responsibilities for EPR schemes	30
Table 5: Public authorities that can appoint Litter Control Officers and proposed changes	33
Table 6: Persons who can be appointed as Litter Control Officers and proposed changes	33

Message from the Minister for the Environment



The Waste Minimisation Act 2008 and Litter Act 1979 make up the key legislation that regulates waste and litter in New Zealand.

The Government seeks your feedback on ways to make our waste legislation more effective, clear and consistent. The proposed changes are intended to remove inefficiencies, and to clarify the roles and responsibilities for central government, local government and the waste sector.

We propose adjusting the allocation of waste levy funds, to recognise the fixed costs faced by smaller councils. We also propose providing councils with the option to spend their share of the levy on a wider range of waste and environmental priorities.

We want to create a compliance framework that enables central and local government to regulate in a flexible and proportionate way, and at the same time, we are carefully considering any additional regulatory burden. One proposal is a framework for extended producer responsibility – to ensure producers remain accountable for their products even after consumers have used them.

Finally, to increase efficiency and improve cost recovery for littering and dumping, we propose consolidating the Litter Act 1979 and the Waste Minimisation Act 2008.

New Zealand needs fit-for-purpose, modern waste legislation with more options and flexibility to reduce and manage waste effectively and efficiently. I encourage you to have your say and look forward to receiving your input.

A handwritten signature in blue ink, which appears to read 'P. Simmonds'.

Hon Penny Simmonds

Minister for the Environment

What is being consulted on

The Government is consulting on proposals to amend the Waste Minimisation Act 2008 (WMA) and Litter Act 1979 (the Litter Act) to create fit-for-purpose, modern waste legislation that gives us more options and flexibility to reduce and manage waste effectively and efficiently. The Ministry for the Environment (the Ministry) has prepared this consultation document to seek feedback on the following proposals for amending waste legislation:

- creating a framework for extended producer responsibility
- improving the levy system through changes to waste levy allocation, distribution and use
- clarifying roles and responsibilities in the waste legislation
- creating a modern, effective compliance regime
- enabling efficient and effective controls for littering and other types of mismanaged waste.

This consultation document excludes some minor or technical policy proposals that are within scope of the waste legislation amendments, such as:

- any proposed changes to the current bylaw provisions (sections 56 to 59 of the WMA)
- minor and technical amendments to improve waste levy administration, collection and enforcement provisions.

How to have your say

We welcome your feedback on this consultation document. Questions are provided throughout the document, and a summary of proposals and questions is available on the [Ministry's website](#). You can choose which questions to answer, and we welcome all other comments. To aid understanding, please explain the reasons for your views and give supporting evidence if needed. You may share your views on the Ministry's consultation platform, [Citizen Space](#).

Closing date for submissions

Send in your submission by 11.59pm, 1 June 2025. This document, and further details on how to make a submission, are available at <https://consult.environment.govt.nz/waste/waste-legislation-proposed-amendments>. If you have questions or want more information about the proposed amendments or the submission process, please email wasteamendment@mfe.govt.nz.

Further information

Further background supporting documents include:

- [the new Waste Strategy and waste work programme](#)
- [waste actions in the second emissions reduction plan](#)
- [Waste Minimisation \(Waste Disposal Levy\) Amendment Bill 2024: Cabinet material](#).

What happens next?

Once we have received your submissions, we will analyse them, to inform policy and government decisions. If Cabinet agrees, an amendment Bill will be introduced to Parliament.

Publishing and releasing submissions

Further information about publishing and releasing submissions is available on [Citizen space](#). Unless you clearly specify otherwise in your submission, we will consider that you have consented to publication of your name and submission.

Upon request, the Ministry may release contents of submissions to the public under the Official Information Act 1982. Please advise if you have any objection to the release of any information in your submission, specifying which information you think should be withheld and why it should be withheld. We will consider all such objections when responding to Official Information Act requests for copies of, and information on, submissions to this consultation.

The Privacy Act 2020 governs the collection, use and disclosure of information about individuals by agencies (including the Ministry) and the access to that information. Any personal information you supply in a submission will only be used by the Ministry in relation to the matters covered by this document.

Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions we may publish.

Creating a framework for extended producer responsibility

We recommend reading this section in conjunction with the sections on [Clarifying the roles and responsibilities in the waste legislation](#) and [Creating a modern, effective compliance regime](#).

Proposal

Amend the product stewardship provisions in the WMA to replace them with an extended producer responsibility (EPR) framework.

Discontinue the role of central government in accrediting voluntary product stewardship schemes – organisations can still develop voluntary schemes if they wish to.

Current situation

The WMA provides for voluntary and regulatory product stewardship and requires the Minister to accredit schemes if certain criteria are met. These criteria do not relate to the delivery of significant environmental benefits, making the administrative costs of accrediting and monitoring voluntary schemes difficult to justify. The WMA contains voluntary and regulatory product stewardship tools (including some deposit and return provisions), but these have practical limitations for implementing product stewardship.

The proposal in detail

We propose amending the current product stewardship provisions to replace them with a more effective range of tools to introduce EPR schemes for a range of products.

What is extended producer responsibility?

EPR describes a suite of policy instruments that shift financial and/or operational responsibility for material recovery and waste management upstream. This means the responsibility is on producers, importers and retailers, instead of falling by default on councils, communities, future generations and nature. Following a 'polluter pays' principle, an EPR framework extends responsibility for products – instead of just placing them on the market, producers need to manage and reduce any negative environmental effects.

Current examples of EPR are product stewardship schemes and deposit return schemes (such as a container return scheme). Although the terms 'EPR' and 'product stewardship' are sometimes used interchangeably, EPR emphasises additional responsibilities for producers.

Current section 23 (regulations in relation to products, materials and waste) will be carried over with minor and technical amendments to ensure legislative cohesion with the proposed EPR framework.

The proposed EPR framework would include provisions for taking the following actions.

- Determine the product/s of interest, including products to be excluded (declaring priority products would change from a statutory to a non-statutory process).
- Identify and place obligations on parties subject to requirements (such as ‘first responsible suppliers’).
- Identify other roles and responsibilities (eg, for the Minister or Secretary for the Environment (Secretary), the regulator or the producer responsibility organisation (PRO) which manages the scheme).
- Enable key financial controls (such as scheme charges or refundable deposits) to be set and adjusted by the PRO or in regulation.
- Set parameters for how an EPR scheme is established and operates (such as target recycling return rates, input methodologies¹ to help determine scheme charges, and scheme design standards) and for any consequences for lack of performance. This could include scheme-specific requirements such as labelling or other matters allowed for in Part 2 of the WMA.
- Establish an appropriate compliance monitoring and enforcement (CME) framework.
- Ensure appropriate transparency to assess performance of an EPR scheme and hold parties accountable (which may include reporting and data sharing), while also managing commercial sensitivities of information shared through the scheme.

Further details are outlined in [appendix 1](#).

Any future EPR schemes would be established in regulations and would require a full assessment of costs and benefits and consultation with affected parties.

We seek your views on whether the Secretary should be able to set input methodologies. This will enable the Secretary, if necessary, to prescribe how certain component costs for scheme charges should be set, which will minimise the risk of inappropriate fees and spending.

We also seek your views on removing provisions for government accreditation of voluntary product stewardship schemes as the limited participation and coverage and the administrative costs of accrediting and monitoring voluntary schemes are not justified. Voluntary schemes could continue but would not be accredited under the legislation.

¹ Input methodologies are a tool that the Secretary for the Environment may use to help determine charges for EPR schemes. Input methodologies can be used to ensure an EPR organisation is managing fees and costs appropriately.

Consultation questions

We are interested in your views on an extended producer responsibility (EPR) framework.

Questions

1. Do you support the proposal for a modern EPR framework? **Yes | No | Unsure**

2. Do you support discontinuing the government accreditation of voluntary product stewardship schemes?
Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

Improving the waste levy system through changes to levy allocation, distribution and use

Proposal

Adjust the method for allocating funds from the waste disposal levy (the levy) to territorial authorities, to reduce the extremity of funding between very large and very small councils. The current population-based allocation approach would change to a combination of a base flat rate (20 per cent) and a population-based calculation (80 per cent).

Widen the use of the levy money for territorial authorities to support a broader range of waste and environmental outcomes.

Provide central government and territorial authorities with a decision-making framework for spending levy funds on environmental benefits and/or reduction of environmental harm.

Remove the blanket levy exclusion for waste-to-energy technology and facilities, to ensure a level playing field for all types of final waste disposal.

Amend the Minister's required considerations and timeframe when reviewing the effectiveness of the levy.

Improve the efficiency and effectiveness of the existing levy provisions for:

- levy waivers
- levy exemptions
- reuse of material at disposal facilities
- stockpiling.

Current situation

The levy is charged on waste disposed of at prescribed facilities, and the fees collected are ring-fenced for spending on specific waste and environmental matters. Currently, 50 per cent of the levy is allocated to central government. The remaining 50 per cent is allocated to territorial authorities based on population – meaning Auckland and Christchurch get a significant amount of the levy funding, while authorities with smaller populations receive much less.

In 2024, targeted amendments were made to the levy provisions in the WMA, to enable the central government to spend its portion of the levy on a wider range of waste and environmental activities. The amendments also increased levy rates incrementally, from July 2024 to July 2027, which will generate more levy revenue over time.

The Secretary currently has no decision-making framework or criteria in the WMA for funding activities that reduce environmental harm or increase environmental benefits.

Under the current legislation, the Minister must review the effectiveness of the levy at least every three years. The review assesses how effective the levy has been in:

- reducing waste disposed of
- increasing reuse, recycling and recovery of waste.

Some current levy administration provisions are complex and inefficient, including those related to levy waivers, levy exemptions, reuse of material at disposal facilities, and stockpiling. The relevant current provisions are outlined alongside the detailed proposals below, under [Other levy-related improvements](#).

The proposal in detail

Levy allocation and use

We propose changing how the levy funds are distributed to territorial authorities. Instead of the current population-based approach, the new method would use a combination of a base flat rate (20 per cent) and a population-based calculation (80 per cent).

Our aim is an appropriate balance – a fairer distribution among territorial authorities that still provides for the scale and scope of waste-related matters that larger population centres face. Table 1 below provides an outline of how this would have affected some territorial authorities for the 2023/24 financial year. Although the larger councils will receive less levy funding, current projections suggest the levy will increase over time because of increases in levy rates. This means the larger territorial authorities will receive more levy funding than at present, even with a 20 per cent flat rate.

Table 1: Example of the impact of a 20 per cent flat rate incorporated levy for some territorial authorities (2023/24 financial year)

Territorial authority	2023 population	Actual levy received in 2023/24 financial year (based on population only)	Calculated levy in 2023/24 financial year (if 20% flat rate incorporated)
Auckland Council	1,656,486	\$26,642,184	\$21,377,950
Buller District Council	10,446	\$162,577	\$371,118
Chatham Islands Council	612	\$11,239	\$245,616
Christchurch City Council	391,383	\$6,255,019	\$5,232,652
Kawerau District Council	7,539	\$121,132	\$334,019
Queenstown Lakes District Council	47,808	\$663,682	\$847,933
Southland District Council	31,833	\$523,176	\$644,060
Wellington City Council	202,689	\$3,436,594	\$2,824,531

Our proposals include widening the use of the levy for local government, to support a broader range of environmental outcomes that match the new spending parameters for central government. In addition to activities that promote or achieve waste minimisation, in accordance with, and as set out in, a territorial authority's waste management and minimisation plan (WMMP), options for wider uses for the levy funding include:

- costs associated with managing emergency waste
- activities that provide for the remediation of contaminated sites and vulnerable landfills
- CME of mismanaged waste
- activities that reduce environmental harm or increase environmental benefits.

In relation to spending levy revenue on activities that reduce environmental harm or increase environmental benefits, a decision-making framework for central government and territorial authorities could help increase clarity about what activities could be funded and how funding decisions should be made.

We also propose removing the levy exclusion for waste-to-energy processes. The current exclusion of waste-to-energy from the levy creates a market distortion, because landfill disposal is subject to an additional cost that does not apply to waste-to-energy technologies. Both methods are considered forms of waste disposal in the waste hierarchy, although recovery of energy from waste comes before final disposal. All waste-to-energy facilities *could be* made subject to a levy (if regulations are put in place that define a type of waste-to-energy facility as a disposal facility and sets a levy rate for them). Existing levy-setting regulations could be used in future to determine the levy payable by different types of waste-to-energy facilities.

Levy review

We propose that the matters the Minister should consider when reviewing the effectiveness of the levy should mirror the scope of the WMA (as outlined in the purpose) and the parameters for levy spend.

We propose changing the timeframe of the levy review from the current three-yearly requirement to at least every five years. This is to ensure the review includes assessment of all aspects of the revised legislation for effectiveness in achieving the desired outcomes.

Other levy-related improvements

Waste disposal levy waivers

Waivers and exemptions for levy payments under the WMA are only available in 'exceptional circumstances', or if considered reasonable in relation to waste from the remediation of a contaminated site.

We propose enabling the Secretary to waive the requirement for an operator to pay any amount of levy in specified circumstances (that is, an emergency event, biosecurity response, or remediation of a contaminated site). The proposed change would:

- simplify the processing of waiver applications
- improve the transparency of when a levy waiver may occur

- provide clarity for stakeholders and the decision-maker.

The Secretary would need to be satisfied the specified circumstances justify the waiver. This would replace the current requirement that there are 'exceptional circumstances'.

We propose limiting the waiver requirement to situations in which:

- there is or has been an emergency (eg, a state of emergency or transition period has been declared under the Civil Defence Emergency Management Act 2002)
- biosecurity responses have been undertaken under Part 7 of the Biosecurity Act 1993.

In addition, we seek feedback on whether the waiver requirements for waste from the remediation of a contaminated site also need clarifying with specific eligibility criteria. We seek suggestions on what the criteria could be.

Waste disposal levy exemptions

Currently, the WMA requires the Minister to be satisfied that 'exceptional circumstances' exist before recommending that regulations be made that exempt any disposal facility or class of disposal facility from the levy; or exempt a specific type, volume or weight of any waste from the levy.

The term 'exceptional circumstances' is not defined in the WMA – rather, it is interpreted at the discretion of the decision-maker. The power to make levy exemption regulations currently applies when circumstances cannot be foreseen, for example in response to an emergency event.

We consider levy exemptions are more suitable for addressing national issues with a widespread application that are not exceptional circumstances, such as an exemption that applies to a class of disposal facility or a type of waste stream. We propose that the Minister must consider specific criteria before making such a recommendation and seek suggestions on what the criteria could be.

At present, there is no time limit applied to levy exemptions through regulations. We propose that levy exemptions should apply for a maximum of five years, after which they must be reviewed or allowed to expire. We also propose that the Minister should be permitted to impose conditions on the exemption and be required to follow the same procedures before considering other waste regulations (such as obtaining and considering the advice of the Waste Advisory Board).

Reuse of material at disposal facilities

Some disposal facility operators reuse materials disposed of on site for disposal facility management activities, such as:

- using soil as cover material
- using concrete in the construction of disposal facility infrastructure (like roads).

Where this activity meets the definition of reuse or recycling, these materials may not be subject to levy payments.

This common practice has the benefit of promoting the reuse and recycling of existing materials over the extraction and use of virgin natural materials. The disadvantage, however, is

facilities may have an incentive to reuse materials in excessive quantities, which can worsen waste and environmental outcomes and reduce levy revenue.

We propose to clarify when the levy should be imposed on waste disposed of at a disposal facility, to ensure waste reused on site is operationally necessary and reasonable (eg, to comply with a consent condition).

Stockpiling

Under the current legislation, stockpiling can occur, but waste stockpiled for more than six months is subject to the levy. As with the reuse of materials onsite, stockpiling has advantages and disadvantages. The tools we propose to improve the existing stockpiling controls, include:

- amending the current stockpiling extension approval system to include limits, conditions and offence provisions
- changing the stockpile calculation process to track the throughput of materials
- introducing a stockpile volume threshold limit
- improving the data collection, record-keeping and reporting provisions to increase transparency and traceability of material entering and leaving a site
- defining or amending the terms ‘diverted material’ (defined in the current Part 3 of the WMA), ‘accumulation’ and ‘stockpiling’ in the legislation.

Consultation questions

We are interested in your views on changes to the waste disposal levy.

Distribution of levy funds

Question

3. Do you support changing the distribution of levy funds to territorial authorities from a population-based calculation to a combination of a base flat rate (20 per cent) and a population-based calculation (80 per cent)? **Yes | No | Unsure**

Please share any further thoughts or ideas on this proposal.

Scope of use of levy funds

Questions

4. Please indicate your support for changes that would permit territorial authorities to use the levy for:
- a. activities that promote or achieve waste minimisation, in accordance with and as set out in the territorial authorities’ Waste Management and Minimisation Plan. **Yes | No | Unsure**
 - b. costs associated with managing emergency waste. **Yes | No | Unsure**
 - c. activities that provide for the remediation of contaminated sites and vulnerable landfills. **Yes | No | Unsure**
 - d. compliance, monitoring and enforcement of mismanaged waste. **Yes | No | Unsure**
 - e. activities that reduce environmental harm or increase environmental benefits. **Yes | No | Unsure**

Please share any further thoughts or ideas on this proposal.

Questions

5. Please share any suggestions for criteria that could form a decision-making framework for possible spending of the waste levy on environmental benefits and/or reduction of environmental harm.

Further levy effectiveness considerations

Questions

6. Do you support removal of the current blanket exclusion from the levy for waste-to-energy facilities? **Yes | No | Unsure**
7. Do you agree that the Minister's considerations for a review of the effectiveness of the waste levy should mirror the scope of the purpose of the WMA and the parameters for levy spend (once these are decided)? **Yes | No | Unsure**
8. Do you support changing the timeframe for review of the effectiveness of the waste levy from every three years to at least every five years? **Yes | No | Unsure**

Please share any further thoughts or ideas on these proposals.

Use of waivers

Questions

9. Do you support replacing the current levy-waiver requirement of 'exceptional circumstances', instead enabling the Secretary to waive the requirement for an operator to pay any amount of levy in specified circumstances? **Yes | No | Unsure**
10. Do you support limiting the waiver requirement to emergency event situations for which a state of national or local emergency has been declared under the Civil Defence Emergency Management Act 2002 and biosecurity responses have been undertaken under Part 7 of the Biosecurity Act 1993? **Yes | No | Unsure**
11. Do you agree the waiver requirement for waste from the remediation of a contaminated site should specify any eligibility criteria that an application must meet? If so, please share any suggestions for eligibility criteria. **Yes | No | Unsure**

Please share any further thoughts or ideas on these proposals.

Conditions and exemptions

Questions

12. Do you support requiring a Minister to consider specific criteria before recommending levy exemption regulations are made (instead of the current requirement that the Minister is satisfied 'exceptional circumstances' exist)? **Yes | No | Unsure**
13. Do you support applying a timeframe of a maximum of five years before levy exemptions via regulations must be reviewed or allowed to expire? **Yes | No | Unsure**
14. Do you agree that the Minister should be able to impose conditions on levy exemptions? **Yes | No | Unsure**

Please share any further thoughts or ideas on these proposals.

Reuse of material at disposal facilities

Question

15. Do we need to clarify in legislation when the levy should be imposed on waste disposed of at a disposal facility, so that waste reuse on site is operationally necessary and reasonable? **Yes | No | Unsure**

Please share any further thoughts or ideas on this proposal.

Stockpiling controls

Questions

16. Do you support improvements to stockpiling controls by introducing tools such as:
- a. an approval system with limits and conditions. **Yes | No | Unsure**
 - b. changes to the stockpile calculation process to track the throughput of materials. **Yes | No | Unsure**
 - c. a stockpile volume threshold limit. **Yes | No | Unsure**
 - d. improved data collection, record-keeping and reporting provisions, to increase transparency and traceability of material entering and leaving a site. **Yes | No | Unsure**
 - e. defining/amending the terms 'diverted material', 'accumulation' and 'stockpiling' in the legislation? **Yes | No | Unsure**

Please share any further thoughts or ideas on these proposals.

Clarifying the roles and responsibilities in the waste legislation

Proposal

Retain the current core role of the Ministry but add new responsibilities related to the proposed EPR framework.

Improve the role of the New Zealand Customs Service (NZ Customs) to support existing regulated product stewardship² and an EPR framework.

For territorial authorities, clarify the minimum obligations for waste minimisation and improve the regulatory tools to ensure these are delivered.

Enable the Waste Advisory Board to provide advice to the Minister or Ministry on its own initiative – consistent with an agreed strategic plan – and focus the Board’s mandate on strategic and/or overarching waste issues.

Current situation

The WMA establishes roles and responsibilities for central and local government.³ The Litter Act establishes roles for a variety of public organisations to appoint Litter Control Officers (LCOs) (see the section on [Enabling efficient and effective controls for littering and other types of mismanaged waste](#)).

Under the WMA, territorial authorities must adopt a WMMP, which must have regard to the New Zealand waste strategy. Minor amendments to a WMMP can be made based on the territorial authority’s significance and engagement policy, which allows for minor ‘out-of-cycle’ refinements to a plan. Any substantial proposed changes would require local consultation.

Currently, under the WMA:

- the Minister may set performance standards for the implementation of one or more WMMPs
- the Minister may require a territorial authority to amend its WMMP
- the Secretary must retain levy payments to a territorial authority if it has not adopted a WMMP, or if it has not reviewed the WMMP within the specified time or at the Minister’s direction.

² Existing regulated product stewardship schemes would transition to the new EPR framework.

³ This includes waste levy settings (eg, allocation and distribution settings, controls on the use of levy funds, and consideration of the appropriate legislative responsibilities informed by this funding), the overall strategic framework (ie, how strategic direction via the waste strategy or other mechanism is given effect through localised waste planning and activities), and data collection and reporting requirements.

The proposal in detail

We propose amending some roles and responsibilities in relation to the purpose and functions of the WMA. These amendments largely mirror the existing WMA provisions, with some refinement. Where we propose variations to existing provisions, these are described below.

Central government

The Ministry (and, where applicable, specifically the Secretary) would have responsibility for:

- setting strategic direction
- policy development
- system stewardship
- investment of the waste disposal levy
- provision and dissemination of information and services to promote environmental policies⁴
- national data collation and reporting
- various EPR powers (such as establishing a PRO and setting the regulatory parameters for a scheme) (see [appendix 1](#) for more details on the Ministry's and the Secretary's proposed roles in relation to EPR)
- levy collection and administration
- compliance, monitoring and enforcement.

These proposed responsibilities largely mirror what is currently in the WMA, with the addition of EPR powers, which are proposed improvements on the current product stewardship roles and responsibilities.

New Zealand Customs Service

We propose that NZ Customs should:

- share data with the Ministry (including in relation to products and/or materials within scope of regulated product stewardship and EPR schemes)
- collect EPR-related charges where appropriate.

We propose to require that NZ Customs' import and export information is shared with the Ministry to support development and implementation of product stewardship or EPR schemes.

The WMA amendments proposed as a part of the Customs (Levies and Other Matters) Amendment Bill would enable the Governor-General to make regulations specifying NZ Customs as the person responsible for collecting product stewardship charges. It is proposed that these changes will continue under the proposed EPR framework and that NZ Customs will have the ability to recover its related costs.

⁴ Functions of the Ministry section 31 of the Environment Act 1986.

Local government

We propose clarifying the legislation to better specify the minimum obligations of territorial authorities. These could include a requirement to ensure the delivery of household waste and recycling services in their district,⁵ which could be delivered directly or by other private providers.

We also propose amending section 48 of the WMA to enable the Minister to direct territorial authorities to do a particular activity through the WMMPs (rather than the current ability to only amend, add or omit a WMMP provision). We propose providing the Secretary with a discretionary (rather than mandatory) power to retain levy payments to territorial authorities if a WMMP has not been adopted.

Producer responsibility organisation

The PRO would run an EPR scheme. The responsibilities of the PRO (outlined in [appendix 1](#)) are broadly in line with those set out in product stewardship guidelines and practically undertaken in existing product stewardship schemes. We propose to provide clarity for all parties by setting the obligations in legislation and regulations. The PRO would be more directly responsible for scheme performance, and there would be more opportunities for the Minister to intervene if the scheme was not being managed appropriately and effectively.

Waste Advisory Board

We propose enabling the Waste Advisory Board to provide advice to the Minister or Ministry at its discretion, rather than only on the request of the Minister. The advice would need to be consistent with an agreed strategic plan. We also propose to enable the Board to provide advice on strategic and overarching issues, and on opportunities that reflect the purpose of the WMA.

Consultation questions

We are interested in your views on clarifying the role of central government and territorial authorities in the waste legislation.

Questions

17. Do you support the proposed changes to the roles and responsibilities for:
 - a. the Ministry for the Environment. **Yes | No | Unsure**
 - b. the New Zealand Customs Service. **Yes | No | Unsure**
 - c. territorial authorities? **Yes | No | Unsure**

18. Do you support a change in the Secretary for the Environment's ability to retain levy payments to a territorial authority, from mandatory to discretionary? **Yes | No | Unsure**

19. Do you support enabling the Waste Advisory Board to provide advice at its discretion? **Yes | No | Unsure**

Please share any further thoughts or ideas on these proposals.

⁵ For example, through kerbside services or other collection methods.

Creating a modern, effective compliance regime

Proposal

Introduce a fit-for-purpose compliance regime for the waste regulatory system to bring it into line with good practice already in use in other legislation. This will define the regulators' and other organisations' legislative obligations for monitoring and compliance activities.

Implement an amended CME framework to improve on the littering and other mismanaged waste compliance currently provided for under the Litter Act.

Enable regulators to share information for CME purposes.

Current situation

The regulatory environment for waste is varied and involves a cross-section of New Zealand society, including controlling the actions of landfill operators, manufacturers, retailers and the public. Currently, the WMA provides limited CME powers. Prosecution is the main means to address non-compliance, with maximum fines of:

- \$100,000 for all main offences at a central government level
- \$20,000 for a breach of bylaws.

The WMA does not provide for offences related to non-payment of the levy, although it does allow for recovery of unpaid levies as debt through court action. For other offences, prosecution through the Courts is the only enforcement option, which is limiting because:

- prosecution can be a disproportionate regulatory response to non-compliance
- if non-compliance falls below the prosecution threshold, no consequences can arise from breach of the WMA.

Data

Recent amendments to regulations⁶ made under the WMA have resulted in more data coming to the Ministry through reporting from:

- operators on the content of waste disposed
- territorial authorities on the management of waste in their districts.

However, there are limitations to how this information can be shared between regulators.

⁶ The Waste Minimisation (Information Requirements) Regulations 2021 and the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009.

The proposal in detail

A fit-for-purpose compliance regime for the regulatory system

A modern compliance framework contains a range of interventions at different levels, to ensure the regulator has the right tool for the right level of offending. Table 2 outlines our proposal: a four-tiered graduated response model that recognises different levels of offending and aims for broad consistency across the framework.

Table 2: Key tiers for proposed general compliance framework

Tier	Explanation of tier
Tier 3	Most severe and intentional offending with significant risk of harm (eg, deliberate levy avoidance, fraud, large-scale or high-harm illegal dumping)
Tier 2	Mid-range offending where most severe penalties may not be appropriate
Tier 1	Low-level disciplinary interventions such as formal warnings for small infringements, designed for minor offending (eg, illegal plastic bag use, small-scale littering)
Cautionary tools	Warnings and directive notices to place members of regulated community 'on notice'

The amended CME framework will define offences, and establish infringement offences and maximum fees, pecuniary penalties and prosecution. It will also set maximum individual penalties and include defences, rights of appeal, review processes and complaint mechanisms, to ensure adherence to natural justice. The specifics of these matters will be developed at a later stage, so are not part of this consultation.

It is proposed the infringement fees will be paid to the enforcement body that issued the infringement.

Data and information sharing

We propose to clarify data-sharing provisions, to enable data to be shared between regulators for CME and EPR purposes.

Consultation questions

We are interested in your views on modernising the existing compliance regime.

Questions	
20.	Do you agree the regulator should have greater powers to receive data, including the ability to share with other regulators and the Ministry? Yes No Unsure
21.	Do you support the proposed tiered approach to the compliance tools and sanctions? Yes No Unsure
Please share any further thoughts or ideas on these proposals.	

Enabling efficient and effective controls for littering and other types of mismanaged waste

We recommend reading this section in conjunction with the sections on [Clarifying the roles and responsibilities in the waste legislation](#) and [Creating a modern, effective compliance regime](#).

Proposal

Improve the existing regulatory framework to enable public authorities to better deter and address littering and other types of mismanaged waste.

Integrate littering and other mismanaged waste into the broader waste management and minimisation regulatory system, so the whole waste system is managed under one cohesive piece of legislation (including changes to the purpose of the legislation).

Current situation

Under the Litter Act, Litter Control Officers (LCOs) and Litter Wardens are currently appointed by public authorities, or else they are deemed to have been appointed by virtue of their office. Currently, LCOs can:

- require the user or owner of a stationary motor vehicle or trailer to give their name and place of residence, if they have reasonable cause to believe litter has been deposited from any motor vehicle or trailer
- request the name and place of residence of the person and/or people in the vehicle who the LCO has reason to believe deposited the litter.

Litter control functions include CME, provision of information and education, and data collection. These functions are currently undertaken by a range of entities, including territorial authorities, the New Zealand Transport Agency, the Ministry, and non-government organisations such as Keep New Zealand Beautiful (KNZB), Sustainable Coastlines, Be a Tidy Kiwi and Enviroschools. The Litter Act specifically names KNZB as the body primarily responsible for the promotion of litter control.

The Litter Act also currently requires territorial authorities to provide litter receptacles in public places under their management where litter is likely to be deposited.

The proposal in detail

What is mismanaged waste?

Mismanaged waste is waste that has 'leaked' or has the potential to leak (intentionally or not) from the formal waste management system into the environment (ie, the air, water or soil).

Expand scope to all types of mismanaged waste

We propose to amend the purpose of the WMA to ensure the legislation can be applied to a range of mismanaged waste scenarios.

Mismanaged waste can vary by volume, type and harm and could include:

- litter (smaller amounts and typically pieces of discarded packaging waste)
- dumped waste (larger volumes, most commonly construction and demolition waste deliberately discarded out of sight and often avoiding a levy)
- 'escaped' waste or waste that has the potential to escape (typically construction and demolition or packaging waste carried by wind or water from one site to another due to inappropriate management and storage).

We propose amending the penalty provisions to account for types of litter and waste that are particularly harmful to humans and the environment, such as:

- hazardous waste
- syringes
- broken glass
- invasive weeds and/or non-native species in dumped green waste.

Address data gaps for mismanaged waste

We propose to amend the purpose of the WMA so it includes reference to decreased littering and dumping. We also propose to extend the current provisions of the WMA for making regulations for collecting data and information, so these could apply to littering and dumping. If regulations were introduced, the data collected could be tonnages and/or volume of mismanaged waste cleaned up, the type of waste littered or dumped and the location (ie, public space or private property) of the litter and/or dumped waste.

Clarify roles and responsibilities for mismanaged waste

We propose limiting the definition of 'public authority' in the legislation to:

- territorial authorities
- the New Zealand Transport Agency
- bodies appointed under the Reserves Act 1977 to administer reserves

- any public authority determined through an Act or Order in Council for the purposes of the Litter Act.

Our proposal would involve carrying over all other LCOs appointed by virtue of their office (except traffic officers, because that office no longer exists). Refer to [appendix 2](#) for a summary of these proposed changes. These 'other LCOs' would retain the same level of powers and duties as in their governing legislation, to ensure they do not gain additional, unnecessary waste CME powers.

We also propose carrying over the ability for every public authority (amended as proposed) to appoint Litter Wardens, as this is still useful for litter education and behaviour change. We recommend enabling public authorities to appoint the LCOs alone or jointly with another public authority, to ensure:

- clarity of roles and responsibilities
- cost savings where appropriate
- better CME and information sharing, to effectively deter and respond to littering and dumping of waste.

We propose removing the Litter Act provision naming KNZB as the body primarily responsible for the promotion of litter control. This responsibility is unusual for a non-statutory organisation.

Ensure mismanaged waste has effective deterrents and enforcement

We propose to amend the legislation to ensure effective enforcement of offences for mismanaged waste. The legislation should act as a deterrent to littering and levy avoidance, so the proposed amendments provide for:

- the ability for a LCO to enforce littering penalties at a lower evidence threshold due to the current difficulty in identifying the offender and offending
- prevention of litter that spills over or is blown over from private land on to public or private land and enforcement of associated offences
- the ability to require a person to clean up littered and/or dumped waste from public land, and to set a timeframe for fulfilling that requirement
- sufficient cost-recovery provisions for CME and clean-up
- potential compensation, if the littering and/or dumped waste causes environmental harm
- a suite of tools for CME, rather than prosecution only, including information sharing among regulators (see the section on [Creating a modern, effective compliance regime](#)).

Enforcing littering and dumping from vehicles

We propose extending the powers of LCOs so that, in enforcing offences, an LCO can:

- use vehicle registration and ownership details
- use appropriate and reasonable evidence-gathering, and search and surveillance powers for vehicles that are implicated in serious dumping offences.

The proposed changes will mean LCOs can more effectively enforce littering and the dumping of waste from vehicles.

Responsibilities for public litter receptacles

We propose amending the provisions for public litter receptacles to be discretionary (rather than mandatory), so that territorial authorities have flexibility around use and placement of bins. The changes will not specify the type of litter receptacles territorial authorities should provide, but we do propose broadening the terms used to allow for any type of waste receptacle (eg, recycling, glass only, composting).

We propose to retain the provisions in the Litter Act that:

- enable public authorities to require the occupier of land or premises to provide and maintain litter receptacles, where it can be shown that litter is attributable to that land or premises
- if the occupier fails to comply with a public authority's request to provide a suitable litter receptacle, the authority may install one and recover the cost of doing so from the occupier.

We propose removing the term 'excessive' from section 9(3) of the Litter Act, to demonstrate zero tolerance for littering or dumping waste.

We propose to keep the legislative obligation for every public authority to make appropriate provision for emptying litter receptacles in public places. However, we propose to remove the requirement for the Medical Officer of Health to be satisfied that litter receptacles are emptied promptly, efficiently and at regular and prescribed intervals. Medical Officers will still be able to use powers in the Health Act 1956 relating to sanitary works.

Some of the current Litter Act powers for public authorities are proposed to be retained without amendment, such as the ability to make grants for litter prevention and to make bylaws for littering and dumping abatement. We seek your feedback on these.

CME for escaped waste

Windblown waste, particularly from construction sites, creates a littering problem. We are keen to know about the barriers you may face using the current Litter Act provisions to manage 'escaped waste' to determine how best to address this in the waste amendments.

A fit-for-purpose infringement regime for mismanaged waste

We need an improved compliance framework for regulators responsible for dealing with mismanaged waste. Table 3 outlines suggested infringement levels for our proposed framework for mismanaged waste compliance. We are particularly interested in feedback from current LCOs warranted under the Litter Act on the appropriateness of the levels in this proposal. Later in the process, we will develop a final version of this proposed framework.

Table 3: Draft infringement levels for proposed mismanaged waste compliance framework

Mismanaged waste graduated response	Explanation of infringement level
<p>Prosecution</p> <p>Most severe offending with significant risk of harm</p>	<ul style="list-style-type: none"> • Large-scale offending, either cumulatively across many sites by the same person or located at one site • Likely to involve large-scale hazardous waste causing long-lasting and/or permanent environmental damage and harmful to human health • Environmental remediation is expensive and/or difficult • Repeat offences by the same person • Likely to involve the use of a vehicle to dump the waste
<p>Level 3 infringement</p> <p>High-level offending, or dumping of small- to mid-scale hazardous waste</p> <p>Up to maximum of infringement fee</p>	<ul style="list-style-type: none"> • Large-scale or high-harm illegal dumping • Large quantities (eg, volume more than one typical rubbish bag) • Small- to mid-scale hazardous waste causing harm to the environment or human health • Clean-up is expensive and/or difficult • Likely to involve the use of a vehicle to dump the waste
<p>Level 2 infringement</p> <p>Mid-range offending where most severe penalties may not be appropriate</p> <p>Infringement fee</p>	<ul style="list-style-type: none"> • One-off dumping of waste, first offence • No evidence of levy avoidance behaviour • Does not involve hazardous waste • May include repeat offences • May include the use of a vehicle to dump the waste
<p>Level 1 infringement</p> <p>Low-level disciplinary interventions such as formal warnings and small infringements, that are designed for minor offending</p> <p>Infringement fee</p>	<ul style="list-style-type: none"> • Escalation where cautionary tools have not been an effective deterrent for the following: <ul style="list-style-type: none"> - Throwing/discarding small-scale litter (eg, cigarette butts, vapes, takeaway wrappers, beverage containers): <ul style="list-style-type: none"> • out of vehicles • into or onto a public place • into or onto private property without the owner’s permission - First offences for escaped waste* that escapes from the site of disposal to public land, or to private property without the owner’s permission • Environmental harm is temporary and easily remedied and/or cleaned up • Harm to human health is minimal
<p>Cautionary tools</p> <p>Warnings and educational approaches</p>	<ul style="list-style-type: none"> • Throwing/discarding small-scale litter (eg, cigarette ends, vapes, takeaway wrappers, beverage containers): <ul style="list-style-type: none"> - out of vehicles - into or onto a public place - into or onto private property without the owner’s permission • First offences for escaped waste* that escapes from the site of disposal to public land, or to private property without the owner’s permission • Environmental harm is temporary and easily remedied and/or cleaned up • Harm to human health is minimal

* Waste that has not been stored appropriately (ie, in a suitable leak-proof container with a lid or other form of covering to prevent lightweight waste escaping in the wind or excessive waterflow).

Consultation questions

We are interested in your views on changes to the Litter Act.

Scope of the legislation

Questions

22. Do you support integrating littering and other types of mismanaged waste into the same regulatory framework for waste management and minimisation? **Yes | No | Unsure**
-
23. Do you support enabling regulations for the collection of data on littering and dumping? **Yes | No | Unsure**
-
24. Do you support expanding the purpose of the WMA to include littering and other mismanaged waste in the new waste legislation? **Yes | No | Unsure**
-

Please share any further thoughts or ideas on these proposals.

Roles and responsibilities

Questions

25. Regarding public authorities, do you support:
- a. limiting the definition of 'public authority' as proposed. **Yes | No | Unsure**
 - b. enabling public authorities (amended as proposed) to warrant Litter Control Officers or appoint Litter Wardens, to manage and enforce littering and other mismanaged waste offences? **Yes | No | Unsure**
-
26. Do you support removing the assignment of a statutory role for the promotion of litter control to any specific agency or organisation? **Yes | No | Unsure**
-
27. Do you support public authorities having a discretion whether they provide waste receptacles in public places but an obligation to empty those receptacles if they provide them? **Yes | No | Unsure**
-
28. Do you support removing the requirement for the Medical Officer of Health to be satisfied that litter receptacles are emptied promptly, efficiently and at regular and prescribed intervals? **Yes | No | Unsure**
-
29. Do you agree that a local or public authority should:
- a. retain the ability to make grants to any organisation for the abatement or prevention of litter. **Yes | No | Unsure**
 - b. be able to spend such sums of money as it thinks fit on any scheme or campaign for the abatement or prevention of litter. **Yes | No | Unsure**
 - c. retain the ability to make bylaws to help reduce littering and dumping, if they are not inconsistent with the provisions of the new legislation. **Yes | No | Unsure**
 - d. retain the ability to deter, prevent, require timely clean-up and enforce waste escaping/being carried on to public or private land? **Yes | No | Unsure**
-
30. Do you support enabling all types of Litter Control Officers to apply different tiers of compliance tools, where they are authorised to act? **Yes | No | Unsure**
-
31. Do you agree that, in enforcing offences, Litter Control Officers should be able to:
- a. use vehicle registration and ownership details. **Yes | No | Unsure**
 - b. use appropriate evidence-gathering, search and surveillance powers for vehicles that are implicated in serious dumping offences? **Yes | No | Unsure**
-

Please share any further thoughts or ideas on these proposals.

Compliance monitoring and enforcement framework

Questions

32. Do you support the proposed amendments to the compliance monitoring and enforcement framework for littering and other mismanaged waste offences? **Yes | No | Unsure**
-
33. Do you support lowering the threshold for evidence of a mismanaged waste offence, to allow for effective compliance monitoring and enforcement by Litter Control Officers? **Yes | No | Unsure**
-
34. Do you agree that public authorities should be able to be compensated by the offender if the mismanaged waste offence has caused significant environmental harm?
Yes | No | Unsure
-

Please share any further thoughts or ideas on these proposals.

Cost recovery for removal of waste and correction of damage

Question

35. Do you agree that public authorities, regulators, or occupiers of private land where a littering offence is committed, should be able to recover reasonable costs associated with the removal of the litter/waste and/or the environmental harm caused from the offender? If not, please explain why and provide any suggested alternatives for covering these costs. **Yes | No | Unsure**
-

Please share any further thoughts or ideas on this proposal.

Feedback requested from Litter Control Officers

Questions

36. If you are a Litter Control Officer who has used the existing section 9(2)–(4) of the Litter Act (to require an occupier of land or premises to take all reasonable steps to prevent litter being carried or escaping onto the public place), please answer the following.
- Are the current provisions efficient or effective for addressing this type of mismanaged waste issue in your area? **Yes | No | Unsure**
 - If not, please provide more information about the limitations of the provisions.
-
37. Please provide your feedback on the draft infringement levels for the proposed mismanaged waste compliance framework.
-

Please share any further thoughts or ideas on this proposal.

Appendix 1: Summary of proposed extended producer responsibility framework

Table 4: Summary of proposed key roles and responsibilities for EPR schemes

Role	Requirement
Minister for the Environment (the Minister)	
1. Establishment powers	<ul style="list-style-type: none"> a. Invite applications to be the producer responsibility organisation (PRO) for a scheme b. Appoint a PRO on advice from the Secretary for the Environment (the Secretary) c. Ability to set scheme commencement date (and expiry date if required)
2. Regulatory parameters for schemes	<p>Powers to set regulatory parameters for how a specific EPR scheme will operate, including:</p> <ul style="list-style-type: none"> a. setting and varying specific categories of products that would be subject to the scheme b. setting performance parameters such as mandatory return rate targets and requirements where targets are not met c. developing definitions of requirements for recycling, processing, repair, reuse and safe disposal d. parameters for take-back obligations and exemption criteria e. obligations for all participants within scheme to comply with conditions such as design requirements and information disclosure requirements f. setting a deposit level in regulation g. obligations for take-back service providers and operators (eg, covering cashflows such as payments and reimbursements) h. setting and collecting charges (including frameworks for how charges are set such as input methodologies) and eco-modulation of scheme charges i. specifying how particular parties will be covered by the scheme (eg, material recovery facilities, councils) including provisions for fraud prevention j. prohibiting first responsible suppliers from selling their products unless they meet certain obligations k. regulating products, materials and waste in the ways outlined in section 23 of the WMA (for products whether included in an EPR scheme or not) <p>Primary legislation would establish that charges would be:</p> <ul style="list-style-type: none"> a. set by the PRO with consideration for parameters set out for the scheme (eg, through input methodologies) b. collected by the PRO or Secretary (or authorised party)
3. Monitoring and intervention	<ul style="list-style-type: none"> a. Require reports and/or information from PRO in accordance with information disclosure requirements b. Require the PRO to replace an existing scheme charge with a charge specified by the Minister

Role	Requirement
	<ul style="list-style-type: none"> c. Issue a Gazette notice allowing for exceptions to scheme requirements in exceptional circumstances d. Review the operation of the scheme after a specified period of time, and in other defined circumstances (such as failure to meet targets) <p>If scheme performance issues arise, the Minister would have the ability to:</p> <ul style="list-style-type: none"> a. appoint a Crown review team b. appoint a Crown Manager c. dissolve the PRO Board d. take over and manage assets of the PRO e. make changes to the Board
Secretary for the Environment (or authorised third party)	
<p>4. Establishment responsibilities</p>	<ul style="list-style-type: none"> a. Priority setting tool for identifying potential products for EPR b. Undertake non-statutory process to develop further details for how a successful scheme may be designed and operated (eg, through open procurement process with requirements to ensure industry, Māori and public interests are represented) c. Set criteria for assessment of PRO application d. Provide advice to the Minister on appointing a PRO e. Be required to act independently in discharging functions, powers and duties
<p>5. Setting detailed requirements</p>	<p>Develop and publish:</p> <ul style="list-style-type: none"> a. information disclosure requirements b. scheme-specific design requirements c. framework for setting and collecting scheme charges
<p>6. Registration and approval of regulated products</p>	<ul style="list-style-type: none"> a. Establish and operate registration portal and categorise regulated products b. Approve products for sale in the scheme
<p>7. Monitoring and provision of advice on scheme performance</p>	<ul style="list-style-type: none"> a. Undertake full review of scheme as required b. Monitor scheme performance c. Enforce obligations using improved CME tools d. Appoint auditors to support compliance monitoring e. Provide advice to the Minister as required
Producer responsibility organisation	
<p>8. Establishment</p>	<ul style="list-style-type: none"> a. Secure funding to set up corporate office, systems and procedures b. Enter into arrangements with producers/importers/other relevant parties (eg, take-back service providers and operators, councils) c. Set up relevant scheme logistics (eg, establishing a return network and transport logistics, or procuring counting and consolidation facilities) d. Enter into arrangements for recycling and/or reuse and/or repair of products and/or materials
<p>9. Ongoing scheme operation</p>	<ul style="list-style-type: none"> a. Promote the scheme and ensure participants have necessary information to participate in the scheme b. Coordinate and manage the scheme in compliance with regulations and requirements set by the Secretary

Role	Requirement
	<ul style="list-style-type: none"> c. Manage financial elements of scheme including: <ul style="list-style-type: none"> - setting scheme charges, and reviewing and updating as required - collecting deposits and/or scheme charges from producers and/or importers - paying handling fees to return point operators - arranging payment of refunds directly or indirectly (eg, via return point operators) d. Manage sites required for scheme operation (eg, consolidation and counting sites) e. Arrange for transport and/or recycling and/or processing and/or repair and/or reuse of specified products f. Collect agreed information from scheme participants
10. Reporting and advice	<ul style="list-style-type: none"> a. Provide regular reporting as set out in the information disclosure requirements b. Provide advice to the Secretary on specified topics c. Provide to the Minister (through the Secretary) on assessments of scheme performance, financials and forward projections
Scheme participants (eg, producers, manufacturers, importers, retailers, return point operators, councils, materials recovery facilities, recyclers, consumers, exporters, online retail platforms)	
11. Comply with obligations placed on them	<ul style="list-style-type: none"> a. First responsible suppliers are prohibited from selling their products unless they meet certain obligations b. Take-back service providers and operators will be subject to obligations (eg, to enter into service agreements with PROs, covering payments of deposits, handling fees, etc)
Ministry for the Environment	
12. Ensure appropriate compliance monitoring and enforcement	<ul style="list-style-type: none"> a. Monitoring schemes and identifying non-compliance through a range of means b. Where non-compliance is identified, applying CME tools appropriate to the level and severity of offending using the tiered approach outlined in Table 2.

Appendix 2: Litter Act changes to public authorities who can appoint Litter Control Officers

Table 5: Public authorities that can appoint Litter Control Officers and proposed changes

Litter Act 1979	New list under proposed legislative changes
<ul style="list-style-type: none"> • Territorial authority • New Zealand Transport Agency • Wellington Regional Water Board • Harbour Board • Airport authority • Administering body of the Reserves Act 1977 means the board, trustees, local authority, society association, voluntary organisation, or person or body of persons appointed under the Act to control and manage the reserve, includes any Minister of the Crown (other than the Minister of Conservation) so appointed • Trustees of a cemetery • All other bodies and/or classes of bodies which by any Act or by the Governor General by Order in Council are declared public authorities for the purposes of this Act 	<ul style="list-style-type: none"> • Territorial authority • New Zealand Transport Agency • Reserves Act 1977 – bodies appointed under the Act to administer reserves • All other bodies and/or classes of bodies which by any Act or by the Governor General by Order in Council are declared public authorities for the purposes of this Act

Table 6: Persons who can be appointed as Litter Control Officers and proposed changes

Litter Act 1979	Proposed legislative change
<ul style="list-style-type: none"> • Constable • Traffic officer • Conservation Act 1987 – warranted officer • Reserves Act 1977 – officer means any ranger or constable and any officer or employee of an administering body who is authorised by that body to exercise powers of an officer • Maritime Transport Act 1994 – harbour master • Walking Access Act 2008 – enforcement officer and honorary enforcement officer appointed by the Walking Access Commission (also includes every sworn member of the police, every fish and game ranger and warranted officer – section 2(1) Conservation Act) • Fisheries Act 1996 – fishery officer, honorary fishery officer and other officer (also includes every officer in command of any vessel or aircraft of the New Zealand Defence Force and every constable) • Wildlife Act 1953 – ranger (also includes constable) • National Parks Act 1989 – ranger • Te Urewera Act 2014 – warranted officer and honorary warranted officer (appointed jointly by chief executive of Tūhoe Te Uru Taumatua and the Director-General of Conservation) 	<ul style="list-style-type: none"> • Carry over the list from the Litter Act in its entirety (except for ‘Traffic officer’, as this role no longer exists)