



PROACTIVE RELEASE COVERSHEET

Minister	Minister for the Environment	Portfolio	Environment
Name of package	Proactive release of Cabinet paper for waste legislation amendments	Date to be published	16 December 2025

List of documents that have been proactively released

Date	Title	Author
7 October 2025	Cabinet Paper: CAB-589 Amendments to waste legislation	Ministry for the Environment
7 October 2025	Cabinet Expenditure and Regulatory Review Committee minute: EXP-25-MIN-0093	Cabinet Office
13 October	Cabinet minute: CAB-25-MIN-0355	Cabinet Office

Information redacted: YES

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

CAB-589: Some information has been withheld under section 9(2)(h) of the Official Information Act 1982 to maintain professional legal privilege.

CAB-589: Appendices have been withheld under section 9(2)(h) to maintain the confidentiality of advice tendered by Ministers.

CAB-25-MIN-0355: Some information has been withheld under section 9(2)(h) to maintain the confidentiality of advice tendered by Ministers.

Policy and Privacy

In-Confidence

Office of the Minister for the Environment

ECO - Cabinet Economic Policy Committee

Amending the waste legislation: policy approvals

Proposal

- 1 This paper seeks policy approvals to modernise and consolidate the Waste Minimisation Act 2008 (WMA) and the Litter Act 1979 (Litter Act) so drafting of an amended Bill can commence.

Relation to government priorities

- 2 The proposals in this paper support the coalition agreements between the National Party and our coalition partners: improving the quality of Government regulation.

Executive Summary

- 3 The proposed changes are intended to remove inefficiencies, and will:
 - 3.1 adjust the allocation of waste levy funds to recognise the costs faced by smaller councils
 - 3.2 create fiscal flexibility for councils to spend their share of the levy on a wider range of waste and broader environmental priorities to reduce their financial burden whilst ensuring levy funds are used to support priority outcomes
 - 3.3 replace the existing product stewardship provisions with a framework for extended producer responsibility (EPR), with improved tools for governance, financial management, fee-setting flexibility and proportionate intervention powers. An EPR framework will enable devolved, industry-led schemes that are adaptable to changing markets, with flexibility to determine appropriate scheme-specific regulatory requirements.
 - 3.4 create an effective compliance monitoring and enforcement framework for waste and litter that enables a proportionate response to offending and reduces regulatory burden and costs for councils
 - 3.5 increase efficiency and improve cost recovery for littering and dumping of waste, reducing levy avoidance and providing the public authority regulators with graduated compliance tools and penalties
 - 3.6 clarify the roles and responsibilities for central and local government and the waste sector.
- 4 The current legislation is outdated, has limited tools to address environmental issues and lacks clarity about roles and responsibilities.

- 5 Public consultation resulted in 267 submissions, which indicated support, across all stakeholder categories, for most of the proposals. The Waste and Recycling Industry Forum (whose members manage close to 90 per cent of New Zealand's total waste and recycling flow) are supportive of the majority of the proposed changes.
- 6 I seek agreement to key policy decisions to enable drafting of legislation to commence.

Background

- 7 The WMA provides for the setting, monitoring, distributing and investing of the waste disposal levy (levy) and provides a framework for regulatory tools concerned with the management of waste materials, including product stewardship.
- 8 The Litter Act enables a range of public authorities to appoint Litter Control Officers (LCOs), provides tools to help deter and clean up littering, and includes enforcement provisions for littering offences.
- 9 On 9 April 2025, the Cabinet Economic Policy Committee agreed to consult on waste legislation proposals [ECO-25-MIN-0049]. Public consultation was undertaken from 22 April to 1 June 2025. Most of the 267 submissions supported the proposals.

Proposals

Amendments to the Waste Minimisation Act will deter levy avoidance, achieve efficient producer responsibility and ensure effective, proportionate regulation

- 10 I propose the amendments to the WMA outlined in this paper. Appendices 1 to 5 provide the detailed proposed changes.

Adjustments to how levy funds are allocated amongst councils

- 11 The WMA establishes what activities are subject to a levy, how it is allocated between central and local government, what it can be spent on, and administrative provisions.
- 12 I propose to retain the current allocation of levy funds (50 per cent allocated to territorial authorities (TAs) and 50 per cent allocated to central government). This is appropriate given the central government waste investment priorities, wider use of levy funds and financial challenges facing local government.
- 13 I propose to amend the methodology for distributing levy funds to individual TAs from a purely population-based allocation to a base rate of 20 per cent of the total portion plus a population-based calculation of 80 per cent of the total portion. This will provide TAs with funding for waste minimisation and recognises the additional financial burden for smaller councils, those in rural areas and those with seasonal population peaks.

Remove the potential market unfairness for waste-to-energy facilities

- 14 Waste-to-energy facilities are not currently subject to the levy. I propose to remove the exclusion to help ensure a level playing field for all types of final waste disposal. I do

not propose that the levy will apply waste-to-energy facilities upon enactment, but the current levy-setting regulation powers can be used in the future.¹

Options for councils to spend their share of the levy on a wider range of waste and environmental priorities

- 15 I propose to widen the scope of the use of the levy funds by TAs to cover:
- 15.1 activities that promote or achieve waste minimisation, in accordance with each TA's Waste Management and Minimisation Plan (WMMP);
 - 15.2 waste-related costs associated with managing emergency waste;
 - 15.3 activities that provide for the remediation of contaminated sites and vulnerable landfills;
 - 15.4 the compliance, monitoring and enforcement of mismanaged waste; and
 - 15.5 activities that reduce environmental harm or increase environmental benefits (not limited to waste-related activities).
- 16 I propose that TAs can spend their levy allocation on the broader categories (15.1-15.5) and they can change their levy spend with immediate effect.² This will promote financial flexibility whilst ensuring levy funds support priority outcomes. As an example of scale, the forecast levy funds for 2026/27 based on the proposed 20:80 allocation would provide Auckland Council with \$38.29m and Kawerau District Council with \$0.60m.

Other amendments to improve the levy collection, administration and spend

- 17 I propose improvements to the levy collection, administration and spend provisions, including creating clarity for levy waiver applications and the Secretary's waiver determinations.
- 18 Many of the existing levy provisions in Part 3 of the WMA will be retained with minor changes to reflect the Purpose of the legislation and to improve the efficiency and effectiveness of the levy regime.

An extended producer responsibility (EPR) framework

- 19 I propose to replace product stewardship provisions with a modern extended producer responsibility (EPR) framework. Specific schemes can reduce costs for the wider community and provide growth and market access opportunities.³
- 20 However, the current product stewardship provisions are inflexible, can lead to wasted public and private resources, and are not responsive to changing market conditions.

¹ If future regulations are progressed, the potential for varying levy rates for different forms of waste to energy technology could be assessed to reflect the level of environmental impact.

² The TAs will not be required to update their WMMPs to reflect any levy spend before being able to spend their levy allocation on the broader activities.

³ For example, local government has reported that incidences and costs of managing illegally dumped tyres have fallen dramatically since introduction of the Tyrewise product stewardship scheme. A significant majority of TA and industry submitters are highly supportive of the proposed farm plastics scheme recently consulted on.

My proposals will provide greater flexibility to enable adaptable, industry-led EPR schemes and create an enabling framework for a container return scheme in the future.

- 21 The proposals will remove unnecessary statutory processes including accreditation of voluntary product stewardship and declarations of priority products, enable the appointment of the most suitable producer responsibility organisations (PROs),⁴ and clarify delegated roles of PROs and the Secretary for the Environment, including empowering PROs to set scheme charges (with suitable checks and balances) and issue formal warnings. They will also improve financial management and governance and enable more effective monitoring and proportionate enforcement.
- 22 PROs will be responsible for day-to-day operation of the scheme, but I propose the Minister for the Environment (the Minister) could set performance expectations by regulation. The Minister will have graduated powers to intervene in specified circumstances, including if the scheme is not meeting targets. Interventions could include appointing a review team or Crown manager or replacing scheme charges with a charge set by the Minister. This mitigates risks associated with devolving responsibilities to industry and ensures scheme efficiency, continuity and governance.

Improving compliance monitoring and enforcement provisions for waste and litter

- 23 I propose amendments to create a modern and effective CME framework to address waste and mismanaged waste⁵ and provide a wider range of compliance tools to enable a proportionate response to waste offending. The current WMA provisions are limited to prosecution and the Litter Act provisions are too restrictive.
- 24 I propose a tiered CME framework with reporting obligations and a range of sanctions and penalties based on the nature and severity of the offence including proposals for:
 - 24.1 a new power enabling enforcement officers to require information,⁶ and to enter land to detect non-compliance
 - 24.2 maximum penalties for offending (fees, fines, pecuniary penalties, and prosecution)
 - 24.3 amendments to the scope of bylaws to allow TAs to control localised waste management and minimisation issues (including mismanaged waste)
 - 24.4 provisions clarifying how data will be collected and used and shared amongst regulators while maintaining compliance with the Privacy Act 2020.
- 25 I propose that the Ministry for the Environment (Ministry) will be the regulator responsible for CME implementation, levy collection and auditing. TAs and public authorities will retain powers to make bylaws and control mismanaged waste offences.

Littering and other mismanaged waste

- 26 The Litter Act is over 40 years old and no longer fit for purpose to support waste related CME. Auckland Council reportedly cleans up an average of 136 tonnes of illegally

⁴ Rather than being constrained to accrediting any organisation that meets the criteria.

⁵ "Mismanaged waste" is an umbrella term used in this paper to include littering and dumping of waste and waste that escapes or has the potential to escape and abandoned vehicles not on roads.

⁶ These powers will comply with the Privacy Act 2020 and the New Zealand Bill of Rights Act 1990.

dumped waste every month, costing around \$2.6 million per year.⁷ I propose consolidating the Litter Act provisions into the WMA with appropriate amendments to provide an effective CME framework. The proposals will:

- 26.1 allow Officers to use vehicle registration details to identify the person responsible for a vehicle used in a littering or dumping waste offence and issue an infringement notice⁸
- 26.2 make amendments to allow directive notices to be issued for escaped waste⁹ or waste with the potential to escape¹⁰ on public and private land
- 26.3 remove the requirement that a TA must be satisfied that litter tends to 'grossly deface and defile the area' to issue a clean-up notice on private land so that a notice would apply to waste that poses a risk to the environment, has escaped or has the potential to escape and cause environmental harm. Clean-up would be required within 14 days. Objection and appeal provisions would be removed to reduce regulatory and financial burden on TAs
- 26.4 enable a public authority to recover actual and reasonable costs of litter clean-up without requiring a court prosecution. Compensation for environmental harm would be recovered through court proceedings
- 26.5 expand the reference to "litter" in the legislation to include "mismanaged waste" so that it covers a broader range of issues including littering, dumping, escaped waste, dumped¹¹ vehicles not on roads and harmful waste.

Other matters

- 27 I propose amendments to enable the government to respond swiftly and effectively in emergencies, ensuring timely support to disposal facilities and councils when it is needed. The changes will enable the Minister for the Environment to extend reporting deadlines, waive the payment or interest on the waste levy, and/or exempt emergency waste from the levy through a Gazette notice after an emergency. Criteria, set timeframes and defined scope will safeguard against inappropriate use.
- 28 I propose minor amendments to modernise the Waste Advisory Board provisions.

[Legally privileged] Legal issues

- 29 s 9(2)(h)

⁷ [Waste Assessment 2023 \(aucklandcouncil.govt.nz\)](https://www.aucklandcouncil.govt.nz)

⁸ This proposal meets Ministry of Justice Guidelines [Policy framework for new infringement schemes](#).

⁹ *Escaped waste* (intentional or accidental): typically, lightweight material that is blown by the wind or carried by water away from the site of original deposit/placement to elsewhere resulting in littering of the surrounding environment, such as expanded polystyrene material. The material may not have been intended to be waste but by the nature of it escaping from its original location into the surrounding environment it has become waste/litter.

¹⁰ *Waste that has the potential to escape* (unintentional): typically lightweight waste that is not stored, managed or contained appropriately so it could be easily carried by the wind or water away from the site of original deposit into the surrounding environment to become litter, such as waste spilling over from a litter bin, a waste container with no cover/lid or netting.

¹¹ An appropriate term will be agreed with PCO during drafting.

Cost-of-living Implications

- 30 The proposed CME framework will create an increase in compliance tools that will likely result in more proportionate compliance efforts by the Ministry, TAs and public authorities. The regulated community will have increased transparency of what constitutes an infringement. The proposed CME framework will provide for a more proportionate range of responses for offences.
- 31 Enabling the levy funds to be applied to a broader range of activities may result in a net reduction in waste minimisation activities that have been historically funded by TAs. The proposed change to the TA levy allocation model will result in a decrease in levy for some TAs but an increase for others, particularly smaller councils who are challenged by population fluctuations. The impact of the proposed change will be partly mitigated by the incremental annual levy increases which was enabled through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024. Waste minimisation expenditure will vary across TAs based on competing expenditure needs so it is not possible to determine whether the levy changes will impact on general rates or disposal/recycling service costs for businesses and households.
- 32 Individual EPR schemes can reduce costs for the wider community and provide benefits including growth opportunities, market access and cost savings.¹³ EPR schemes, as with existing schemes, will have some associated costs and shift existing costs. Costs will be assessed individually when regulatory proposals are considered by Cabinet.

Financial Implications

- 33 CME and administration activities will continue to be funded through the levy and undertaken by the Ministry. It is proposed that TAs will be able to use general rates or part of their levy allocation to fund CME activities. Other public authorities will continue to fund these activities through their baseline or rates. There are also proposed improvements to cost recovery provisions related to CME activities.
- 34 I propose the regulator should be able to recover the costs of processing applications in a product Registration Portal (from either first responsible suppliers or retailers). It is likely that these would be set charges including hourly rates and fixed charges and recover the actual and reasonable costs associated with the application processing.¹⁴

Legislative Implications

- 35 The approved proposals will be implemented through amendments to the WMA. The Litter Act will be consolidated so the relevant litter and mismanaged waste provisions

¹² s 9(2)(h)

¹³ As an example of a possible EPR scheme, the 2022 [cost-benefit analysis](#) for a beverage container return scheme estimated benefits to outweigh costs by 47 per cent. This includes financial benefits for councils and where relevant, their recyclers, in the order of [NZ\\$40-50 million](#) per year.

¹⁴ In line with [Treasury and Office of the Auditor-General guidance](#)

are included in the amended WMA. The Bill is on the 2025 Legislation Programme as a priority category 6 (drafting instructions to be issued by the end of 2025).

- 36 The new legislation will result in consequential amendments to other primary and secondary legislation and transitional provisions to give effect to the proposals.

Impact Analysis

Regulatory Impact Statement

- 37 In accordance with paragraph 2.5 of Cabinet circular CO(24)7: Impact Analysis Requirements, a recommendation has been included in this paper to provide a quality assurance statement and confirm that the Regulatory Impact Statement (RIS) and the Cost Recovery Impact Statement (CRIS) have been independently quality assured against set criteria.
- 38 The Ministry for Regulation has exempted the following levy-related changes from the Regulatory Impact Statement (RIS) (attached as appendix 6): levy waivers and exemptions, including criteria and time limit; waivers in emergency situations; reusing and stockpiling materials at disposal facilities; the Minister's review of levy effectiveness; any changes to the WMMP provisions as they would be consequential amendments resulting from levy changes.
- 39 A quality assurance (QA) panel from the Ministry for the Environment has assessed the RIS – amendment of waste legislation 2025 and the Stage 1 CRIS - Cost Recovery Within Extended Producer Responsibility Schemes (appendix 7). The QA panel considers that it meets the Quality Assurance criteria. The panel found the RIS clearly identifies the problems, explains the objectives well, and provides evidence of consultation. The Panel notes that parts of the analysis and scope of options are constrained by policy development occurring over an extended period, changing government priorities and Ministerial direction.
- 40 Costs associated with any subsequent secondary legislation will be assessed individually.

Climate Implications of Policy Assessment

- 41 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms the CIPA requirements do not apply to the policy proposals, as the emissions impact is indirect. The amendments have the potential to reduce emissions from organic waste and other sources, depending on how regulatory tools are applied, though the impact may be influenced by how TAs choose to spend the waste levy.

Population Implications

- 42 I do not consider there are substantial risks of negative impacts for any population group. I propose to allocate levy revenue more equitably between TAs to reduce financial burden for smaller councils.

Human Rights

- 43 Early analysis does not raise any inconsistencies with the New Zealand Bill of Rights Act 1990 (BORA) and the Human Rights Act 1993 (HRA) but my officials will continue to work closely with the Ministry of Justice on the CME framework to ensure

consistency. Full BORA vetting will occur when PCO has completed drafting of the Bill before it is considered by the Cabinet Legislation Committee.

Consultation

- 44 I consulted on these proposals between 22 April and 1 June 2025, and received 267 submissions, indicating support for most of the proposed changes. Officials held two public webinars to outline the proposals and answer questions. Specific bylaw issues were informed by engagement with two specialist TA groups: the Regulations and Bylaws Reference Group¹⁵ and the Bylaw Special Interest Group.¹⁶
- 45 Ninety-five per cent of submitters supported an EPR framework.¹⁷ There were mixed views on the proposal to cease government accreditation of voluntary product stewardship schemes.
- 46 Eighty-six per cent of submitters supported the proposed change to the levy distribution allocation for TAs. Ninety-five per cent of submitters agreed the levy should be spent on activities that promote or achieve waste minimisation in accordance with TAs' WMMPs. Sixty-one per cent of submitters opposed broadening the scope of the levy to include activities that reduce environmental harm or increase environmental benefits. Concerns related to increased financial uncertainty for councils which could undermine local waste minimisation efforts.
- 47 Seventy per cent of submitters agreed with the proposal to remove the blanket levy exclusion for waste-to-energy facilities.
- 48 Submitters supported the proposals to improve the levy waiver and levy exemption processes to clarify when the levy should be imposed on waste reused on-site, changes to stockpiling controls and the proposed changes to the roles and responsibilities of key organisations¹⁸ in the legislation. Most of the waste and resource recovery sector submitters supported the levy administration proposals.¹⁹
- 49 Ninety-three per cent of submitters supported the proposal for the regulator to have greater powers to receive and share data and 87 per cent supported the proposed tiered CME framework.
- 50 There was between 86 per cent and 96 per cent support for all the proposals related to litter and mismanaged waste.
- 51 The following departments were consulted: the Department of Conservation, the Department of Corrections, the Department of Internal Affairs, the Environmental Protection Authority, Fire and Emergency New Zealand, Inland Revenue Department, Kāinga Ora, Land Information New Zealand, Ministry of Business, Innovation and Employment, the Ministry for Culture and Heritage, Ministry of Foreign Affairs and Trade, the Ministry of Health, the Ministry of Housing and Urban Development, the

¹⁵ A reference group within Taituarā, the professional development organisation for local government professionals.

¹⁶ A cross-local government group of more than 120 members who share best practice on developing and regulating bylaws.

¹⁷ All reference to percentages in this section relates to the percentage of those who answered the relevant question (noting not every submitter answered every question).

¹⁸ The Minister for the Environment, the Secretary for the Environment, New Zealand Customs Service, Territorial Authorities and the Waste Advisory Board.

¹⁹ Support ranged from 51 per cent to 100 per cent depending on the question and waste and resource recovery sector subgroup.

Ministry of Justice, the Ministry for Primary Industries, the Ministry for Regulation, the Ministry for Women, the National Emergency Management Agency, New Zealand Customs Service, New Zealand Defence Force, the New Zealand Transport Agency, Office of Treaty Settlements, Statistics NZ, Te Puni Kōkiri, Te Waihangā, Energy Efficiency and Conservation Authority, Maritime New Zealand, Ministry of Education, Ministry of Pacific Peoples, Ministry of Social Development, Ministry of Transport, and the Treasury and the Privacy Commissioner.

- 52 The following departments were informed: Department of Prime Minister and Cabinet.

Communications

- 53 I intend to issue a press release following Cabinet's decisions on the proposals for the new legislation.

Proactive Release

- 54 I intend to proactively release this Cabinet paper and the summary of submissions on the public consultation once decisions have been made subject to redactions appropriate under the Official Information Act 1982.

Recommendations

The Minister for the Environment recommends that the Committee:

- 1 **note** on 8 April 2025, Cabinet approved public consultation on amendments to the Waste Minimisation Act 2008 and the Litter Act 1979 and noted the Minister for the Environment would seek final policy decisions to enable drafting instructions to be issued to the Parliamentary Counsel Office by the end of September 2025 [CAB-25-MIN-0125];

Policy approvals

- 2 **agree** to the proposals to amend the Waste Minimisation Act 2008 and consolidate with the Litter Act 1979 as detailed in this paper and appendices 1-5, which will:
- 2.1 retain the allocation of levy funds according to the current settings of 50 per cent allocated to Territorial Authorities (TAs) and 50 per cent allocated to central government
 - 2.2 amend the methodology for distributing levy funds to individual TAs: a base rate of 20 per cent of the total portion plus a population-based calculation of 80 per cent of the total portion
 - 2.3 widen the scope of the use of the levy funds by TAs to cover: activities that promote or achieve waste minimisation, in accordance with each TA's Waste Management and Minimisation Plan (WMMP); waste-related costs associated with managing emergency waste; activities that provide for the remediation of contaminated sites and vulnerable landfills; the compliance, monitoring and enforcement of mismanaged waste; and activities that reduce environmental harm or increase environmental benefits (not limited to waste-related activities)
 - 2.4 remove the current levy exclusion for waste-to-energy forms of waste disposal

- 2.5 make improvements to the levy collection, administration and spend, including to provide clarity for applicants and the Secretary for levy waiver requests
- 2.6 provide for an extended producer responsibility framework to improve on the product stewardship provisions in the WMA
- 2.7 remove the provisions for the Minister for the Environment to accredit product stewardship schemes and declare priority products
- 2.8 provide a wider range of regulatory powers to make requirements clearer and enforceable, including delegated roles for the producer responsibility organisation (PRO) and the Secretary for the Environment
- 2.9 make amendments to the current WMA compliance monitoring and enforcement (CME) provisions to create a modern and effective CME framework covering waste and mismanaged waste that provides a wide range of compliance tools to address offences proportionately
- 2.10 appoint the Ministry as the legislative regulator responsible for CME implementation, levy collection and auditing
- 2.11 appoint TAs and other public authorities to continue to have powers to make bylaws and address mismanaged waste offences
- 2.12 make amendments and consolidate provisions in the Litter Act into the WMA to provide a cohesive CME tool for mismanaged waste, including littering
- 2.13 make minor modernising amendments to the Waste Advisory Board provisions and add new provisions to allow a swift and effective response to waste issues after emergencies.

Drafting of legislation

- 3 **note** a Bill to give effect to these decisions holds a category 6 priority on the 2025 Legislation Programme (drafting instructions to be issued by the end of 2025) and will bind the Crown;
- 4 **invite** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to decisions on this paper including appendices 1-5;
- 5 **authorise** the Minister for the Environment to make decisions on matters relating to some aspects of the CME framework such as the infringement fee regime, offences, and maximum penalties, and to issue drafting instructions as appropriate;
- 6 **Delegate** to the Minister for the Environment the power to make all detailed decisions to achieve the broad policy intent outlined in this paper and to issue drafting instructions to the Parliamentary Counsel Office

Authorised for lodgement

Hon Minister Simmonds

Minister for the Environment

Appendices

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9(2)(f)(iv)



Cabinet Expenditure and Regulatory Review Committee

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.

Amending the Waste Legislation: Policy Approvals

Portfolio **Environment**

On 7 October 2025, the Cabinet Expenditure and Regulatory Review Committee:

- 1 **noted** that in April 2025, the Cabinet Economic Policy Committee approved public consultation on amendments to the Waste Minimisation Act 2008 (WMA) and the Litter Act 1979 (Litter Act) and noted that the Minister for the Environment would seek final policy decisions to enable drafting instructions to be issued to the Parliamentary Counsel Office by the end of September 2025 [ECO-25-MIN-0049];

Policy approvals

- 2 **agreed** to the proposals to amend the WMA and consolidate it with the Litter Act, as detailed in the paper and appendices under EXP-25-SUB-0093, which will:
 - 2.1 retain the allocation of levy funds according to the current settings of 50 per cent allocated to Territorial Authorities (TAs) and 50 per cent allocated to central government;
 - 2.2 amend the methodology for distributing levy funds to individual TAs: a base rate of 20 per cent of the total portion, plus a population-based calculation of 80 per cent of the total portion;
 - 2.3 widen the scope of the use of the levy funds by TAs to cover:
 - 2.3.1 activities that promote or achieve waste minimisation, in accordance with each TA's Waste Management and Minimisation Plan (WMMP);
 - 2.3.2 waste-related costs associated with managing emergency waste;
 - 2.3.3 activities that provide for the remediation of contaminated sites and vulnerable landfills;
 - 2.3.4 the compliance, monitoring and enforcement of mismanaged waste; and
 - 2.3.5 activities that reduce environmental harm or increase environmental benefits (not limited to waste-related activities);
 - 2.4 remove the current levy exclusion for waste-to-energy forms of waste disposal;

- 2.5 make improvements to the levy collection, administration and spend, including to provide clarity for applicants and the Secretary for the Environment for levy waiver requests;
- 2.6 provide for an extended producer responsibility framework to improve on the product stewardship provisions in the WMA;
- 2.7 remove the provisions for the Minister for the Environment to accredit product stewardship schemes and declare priority products;
- 2.8 provide a wider range of regulatory powers to make requirements clearer and enforceable, including delegated roles for the producer responsibility organisation and the Secretary for the Environment;
- 2.9 make amendments to the current WMA compliance monitoring and enforcement (CME) provisions to create a modern and effective CME framework covering waste and mismanaged waste that provides a wide range of compliance tools to address offences proportionately;
- 2.10 appoint the Ministry for the Environment as the legislative regulator responsible for CME implementation, levy collection and auditing;
- 2.11 appoint TAs and other public authorities to continue to have powers to make bylaws and address mismanaged waste offences;
- 2.12 make amendments and consolidate provisions in the Litter Act into the WMA to provide a cohesive CME tool for mismanaged waste, including littering;
- 2.13 make minor modernising amendments to the Waste Advisory Board provisions and add new provisions to allow a swift and effective response to waste issues after emergencies;

Drafting of legislation

- 3 **noted** that a Bill giving effect to the decisions above holds a category 6 priority on the 2025 Legislation Programme (drafting instructions to be issued by the end of 2025) and will bind the Crown;
- 4 **invited** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions above;
- 5 **authorised** the Minister for the Environment to make decisions on matters relating to some aspects of the CME framework such as the infringement fee regime, offences, and maximum penalties, and to issue drafting instructions as appropriate;
- 6 **authorised** the Minister for the Environment to make all detailed decisions to achieve the broad policy intent outlined in the paper and appendices under EXP-25-SUB-0093, and to issue drafting instructions as appropriate

Sam Moffett
Committee Secretary

(see over for attendance)

Present:

Hon David Seymour (Chair)
Rt Hon Winston Peters
Hon Nicola Willis
Hon Simeon Brown
Hon Brooke van Velden
Hon Paul Goldsmith
Hon Louise Upston
Hon Judith Collins KC
Hon Simon Watts
Hon Casey Costello
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Mark Patterson

Officials present from:

Officials' Committee for EXP
Office of the Minister for the Environment



Cabinet

Minute of Decision

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Report of the Cabinet Expenditure and Regulatory Review Committee: Period Ended 10 October 2025

On 13 October 2025, Cabinet made the following decisions on the work of the Cabinet Expenditure and Regulatory Review Committee for the period ended 10 October 2025:

s 9(2)(f)(iv)		
EXP-25-MIN-0093	Amending the Waste Legislation: Policy Approvals Portfolio: Environment	CONFIRMED
s 9(2)(f)(iv)		

Rachel Hayward
Secretary of the Cabinet