



7 June 2024

OIAD-1100

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 24 May 2024 to the Ministry for the Environment (the Ministry) making the following request under the Official Information Act 1982 (the Act):

MFE is the Administering Agency for the Litter Act 1979.

The following occurrences, on the face of it, appear to describe Territorial Authorities (TAs) contravening s9(1) of the Act:

- a) "Auckland Council removes almost a third of rubbish bins, certain suburbs hit harder", on 3 May 2024*
- b) "Christchurch council removes 840 rubbish bins from parks, adds 100 'smart bins'", on 8 June 2021*

I have the following questions:

- 1. How is the Ministry monitoring any TA's regulatory compliance with the Litter Act?*
- 2. Has the Ministry communicated with either aforementioned TA regarding their compliance with the Act? If so, please provide those communications. If not, why not?*
- 3. Is the Ministry planning enforcement action against either aforementioned TA? If not, why not?*

I am refusing your request under section 18(g) of the Act as the Ministry does not hold any in-scope information.

The Litter Act 1979 makes littering an offence and provides some tools for litter control, such as the ability for Territorial Authorities and other public authorities to appoint Litter Control Officers. The Litter Act does not have any provisions for Litter Control Officers to collect data and report on littering, and it does not provide central government oversight, monitoring compliance or enforcement functions. Litter Control Officers are responsible, in the legislation, to issue infringement notices for a littering offence they observe a person committing.

The Ministry does not monitor any territorial authority's regulatory compliance with the Litter Act, and it has not communicated with either Auckland Council or Christchurch City Council regarding their compliance with the Litter Act. The Ministry is also not planning any enforcement action against either territorial authority.

The Minister for the Environment has signalled her intent to reform the Waste Minimisation Act 2008 and the Litter Act 1979 to ensure that we have fit-for-purpose, modern waste legislation. The Ministry will be seeking direction from the Government on its priorities and timeframes for this work.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Wigley', written in a cursive style.

Glenn Wigley

General Manager – Waste and HSNO Policy
Ministry for the Environment | Manatū Mō Te Taiao