



Have your say on proposed amendments to waste legislation

Summary of proposals and consultation questions

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 a [consultation document](#) to seek feedback on the proposals for amending the waste legislation.

The table below provides a summary of the proposals and consultation questions.

You may share your views on the Ministry's consultation platform, Citizen Space:
<https://consult.environment.govt.nz/waste/waste-legislation-proposed-amendments>.

Relevant provisions in legislation ¹ and proposals for amendment	Consultation questions
<p>Waste Minimisation Act Part 2: Product stewardship</p> <p>Amend the product stewardship provisions in the WMA to replace them with an extended producer responsibility (EPR) framework.</p> <p>Discontinue the role of central government in accrediting voluntary product stewardship schemes – organisations can still develop voluntary schemes if they wish to.</p>	<p>We are interested in your views on an EPR framework.</p> <hr/> <p>1. Do you support the proposal for a modern EPR framework? Yes No Unsure</p> <p>2. Do you support discontinuing the government accreditation of voluntary product stewardship schemes? Yes No Unsure</p> <p>Please share any further thoughts or ideas on these proposals.</p>
<p>Waste Minimisation Act Part 3: Waste disposal levy</p> <p>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).</p> <p>Widen the use of the levy money for territorial authorities to support a broader range of waste and environmental outcomes.</p> <p>Provide central government and territorial authorities with a decision-making framework for spending levy funds on environmental benefits and/or reduction of environmental harm.</p> <p>Remove the blanket levy exclusion for waste-to-</p>	<p>We are interested in your views on the following proposed changes to the waste disposal levy.</p> <hr/> <p><i>Distribution of levy funds</i></p> <p>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</p> <p>Please share any further thoughts or ideas on this proposal.</p> <hr/> <p><i>Scope of use of levy funds</i></p> <p>4. Please indicate your support for changes that would permit territorial authorities to use the levy for:</p> <ul style="list-style-type: none"> 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 <p>Please share any further thoughts or ideas on this proposal.</p> <p>5. Please share any suggestions for criteria that could form a decision-making framework for possible spending of the waste</p>

¹ [Waste Minimisation Act 2008](#) and [Litter Act 1979](#)

Relevant provisions in legislation ¹ and proposals for amendment	Consultation questions
<p>energy technology and facilities, to ensure a level playing field for all types of final waste disposal.</p> <p>Amend the Minister’s required considerations and timeframe when reviewing the effectiveness of the levy.</p> <p>Improve the efficiency and effectiveness of the existing levy provisions for:</p> <ul style="list-style-type: none"> levy waivers levy exemptions reuse of material at disposal facilities stockpiling. 	<p>levy on environmental benefits and/or reduction of environmental harm.</p>
	<p><i>Further levy effectiveness considerations</i></p> <p>6. Do you support removal of the current blanket exclusion from the levy for waste-to-energy facilities? Yes No Unsure</p> <p>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</p> <p>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</p> <p>Please share any further thoughts or ideas on these proposals.</p>
	<p><i>Use of waivers</i></p> <p>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</p> <p>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</p> <p>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</p> <p>Please share any further thoughts or ideas on these proposals.</p>
	<p><i>Conditions and exemptions</i></p> <p>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</p> <p>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</p> <p>14. Do you agree that the Minister should be able to impose conditions on levy exemptions? Yes No Unsure</p> <p>Please share any further thoughts or ideas on these proposals.</p>

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	<p><i>Reuse of material at disposal facilities</i></p> <p>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</p> <p>Please share any further thoughts or ideas on this proposal.</p> <hr/> <p><i>Stockpiling controls</i></p> <p>16. Do you support improvements to stockpiling controls by introducing tools such as:</p> <ul style="list-style-type: none"> 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 <p>Please share any further thoughts or ideas on these proposals.</p>
<p>Various Parts of the Waste Minimisation Act: Clarifying the roles and responsibilities in the waste legislation</p> <p>Retain the current core role of the Ministry but add new responsibilities related to the proposed EPR framework.</p> <p>Improve the role of the New Zealand Customs Service (NZ Customs) to support existing regulated product stewardship and an EPR framework.</p> <p>For territorial authorities, clarify the minimum obligations for waste minimisation and improve the regulatory tools to ensure these are delivered.</p> <p>Enable the Waste Advisory Board to provide advice to the Minister or Ministry on</p>	<p>We are interested in your views on clarifying the role of central government and territorial authorities in the waste legislation</p> <hr/> <p>17. Do you support the proposed changes to the roles and responsibilities for:</p> <ul style="list-style-type: none"> a. the Ministry for the Environment. Yes No Unsure b. the New Zealand Customs Service. Yes No Unsure c. territorial authorities? Yes No Unsure <p>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</p> <p>19. Do you support enabling the Waste Advisory Board to provide advice at its discretion? Yes No Unsure</p> <p>Please share any further thoughts or ideas on these proposals.</p>

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<p>its own initiative – consistent with an agreed strategic plan – and focus the Board’s mandate on strategic and/or overarching waste issues.</p>	
<p>Waste Minimisation Act Part 5: Modernising the compliance and data regime</p> <p>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.</p> <p>Implement an amended compliance monitoring and enforcement (CME) framework to improve on the littering and other mismanaged waste compliance currently provided for under the Litter Act.</p> <p>Enable regulators to share information for CME purposes.</p>	<p>We are interested in your views on modernising the existing compliance regime</p> <hr/> <p>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</p> <p>21. Do you support the proposed tiered approach to the compliance tools and sanctions? Yes No Unsure</p> <p>Please share any further thoughts or ideas on these proposals.</p>
<p>Litter Act: The effective enforcement and cost recovery of littering and other types of mismanaged waste</p> <p>Improve the existing regulatory framework to enable public authorities to better deter and address littering and other types of mismanaged waste.</p> <p>Integrate littering and other mismanaged waste into the broader waste management and minimisation regulatory system so the whole waste</p>	<p>We are interested in your views on changes to the Litter Act</p> <hr/> <p><i>Scope of the legislation</i></p> <p>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</p> <p>23. Do you support enabling regulations for the collection of data on littering and dumping? Yes No Unsure</p> <p>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</p> <p>Please share any further thoughts or ideas on these proposals.</p>

Relevant provisions in legislation¹ and proposals for amendment

Consultation questions

system is managed under one cohesive piece of legislation (including changes to the purpose of the legislation).

Roles and responsibilities

25. Regarding public authorities, do you support:
- limiting the definition of 'public authority' as proposed.
Yes | No | Unsure
 - 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:
- retain the ability to make grants to any organisation for the abatement or prevention of litter.
Yes | No | Unsure
 - 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
 - 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
 - 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:
- use vehicle registration and ownership details.
Yes | No | Unsure
 - 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

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

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 these proposals.

Feedback requested from Litter Control Officers

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.

a. Are the current provisions efficient or effective for addressing this type of mismanaged waste issue in your area?

Yes | No | Unsure

b. 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.

If you have any further comments or thoughts on the proposed amendments that have not been captured in the previous questions, please share them here.