Ministry for the
Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Minister for the Environment	**Portfolio**	Environment
Name of package	Proactive release of appendices to Cabinet paper (CAB-589) ‘Amending the waste legislation: policy approvals’	**Date to be published**	3 August 2026

List of documents that have been proactively released		
Date	***Title***	***Author***
7 October 2025	Appendix 1: Proposals on improving the levy system through changes to waste levy allocation, distribution and use	Ministry for the Environment
7 October 2025	Appendix 2: Proposals for an extended producer responsibility framework	Ministry for the Environment
7 October 2025	Appendix 3: Proposals for a new compliance monitoring and enforcement framework	Ministry for the Environment
7 October 2025	Appendix 4: Proposals on mismanaged waste including littering amendments	Ministry for the Environment
7 October 2025	Appendix 5: Consequential amendments, transitional arrangements and other matters	Ministry for the Environment
7 October 2025	Appendix 6: Regulatory Impact Statement: Amendment of waste legislation 2025	Ministry for the Environment
7 October 2025	Appendix 7: Stage 1 Cost Recovery Impact Statement – Proposal for Cost Recovery Within Extended Producer Responsibility Schemes	Ministry for the Environment

Information redacted: NO

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

N/A

Appendix 1: Proposals on improving the levy system through changes to waste levy allocation, distribution and use

#	Amendment	Rationale
1	The Purpose of the WMA and the purpose of the waste disposal levy may require updating during drafting to reflect range of amendments related to the waste disposal levy. The drafting process will identify any necessary amendments to give effect to the broader scope of permissible spending of levy funds and/or other levy-related provisions, in line with these policy decisions.	Increases fiscal flexibility Clear and user-friendly legislation
Waste-to-energy		
2	The WMA excludes waste-to-energy disposal from becoming subject to the levy via the definition of 'disposal' and its reference to activities that are subject to the levy. Amend section 6 to remove this exclusion for waste-to-energy forms of disposal and enable any future regulations (established under section 41) to set levy rates for waste-to-energy facilities as applicable. No default levy rate is to apply to waste-to-energy disposal. No substantive changes are required to section 27 *Rate of levy*, which provides the rate of levy payable on the amount of waste disposed of at a disposal facility. Consequential amendments to the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 may be required to ensure the rate for any waste-to-energy disposal facility is $0 per tonne until such a time that a levy rate is introduced.	Addresses the potential for market advantage
Levy collection		
3	Amend section 26(3) to clarify that any waste reuse on-site at disposal facilities must be necessary for the operation of the landfill. The onus will be on the Disposal Facility Operator (DFO) to demonstrate or provide evidence. If a DFO cannot provide evidence to the satisfaction of the Secretary, the levy will be charged and will not be credited to the DFO. This will ensure: a) the levy is to be paid on all waste entering a disposal facility, and b) if the waste is reused, recycled, recovered or treat on the land and removed from the land and deposited elsewhere or removed from the land for any other reason (diversion) within 12 months from the time the waste enters the facility, and the disposal facility operator (DFO) can provide satisfactory proof of the diversion, the levy paid on that waste will be credited to the DFO via the Online Waste Levy System, and c) a DFO will still be able to seek agreement in writing from the Secretary if the waste needs to be stockpiled for longer than 12 months, and d) the DFO must record all gross tonnages of waste material entering the site. New terms 'repurpose' 'landfill engineering' and/or 'earthworks' will be discussed with PCO during drafting to	Addresses the potential for market advantage Proportionate CME response

	clarify the types of waste material diversion that disposal facility operators can do onsite that does not fit the current definition of reuse or recycling.	
4	Carry over with amendments section 28 *Operator of disposal facility must pay levy to levy collector*, to clarify that all the levy charged on the invoice from the levy collector is the amount to be paid to the levy collector. This may result in consequential amendments to the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 before they are transitioned to the new legislation, to provide further clarity.	Improves efficiency and effectiveness Reduce administrative costs
Levy waivers		
5	Amend section 29(1)(b) to specify that the Secretary must take into account the following matters (in addition to the existing 29(1)(b) provision) when considering whether to waive the requirement for an operator to pay the levy in relation to waste from the remediation of a contaminated site: a) whether it is a legacy or orphan contaminated site or vulnerable landfill, and b) whether there are owner obligations on the site and who is accountable for the contamination New definitions may be required for the terms 'legacy', 'orphan' and 'vulnerable landfill' Waivers for exceptional circumstances will be retained under section 29(1)(a). The Secretary may impose, in writing, conditions on the waiver for waivers granted under section 29 (1)(a) and (b). The Secretary may revoke a waiver granted under section 29, if conditions of that waiver are not met. The Secretary must provide the determination in writing to the disposal facility operator. Applicants (a disposal facility) must, as part of their request for a waiver, identify the waste disposer who paid the levy and ensure that all waived levy is returned to the waste disposer. If such a person cannot be ascertained, the Secretary may determine that part of the waiver shall not be granted.	Provides certainty for the regulated community and manages Crown risks Reduce administrative costs Provides clarity for applicants and/or Secretary
Levy spend and allocation		
6	Make the necessary amendments to the legislation to clarify that the scope of activities that "reduce environmental harm or increase environmental benefits" (currently section 30 ((iv)) is not limited to waste-related activities for the central government portion of the levy. Clarify this spend does not include the baseline costs for other central government agencies. The distribution and spend of levy funds for "activities that reduce environmental harm or increase environmental benefits" by the Secretary is on the direction or approval of the Minister.	Increases fiscal flexibility Clarifies roles and responsibilities
7	Amend section 31 *Territorial authorities to receive share* to reflect the new methodology to calculate levy payments to territorial authorities (an equal base-rate for all TAs (20 per cent base-rate of the overall TA allocation for the period) and	Addresses potential unfairness in current system

	a population-based calculation that reflects each district's proportion of the national population (80 per cent of the overall TA allocation for the period)). The drafting process will incorporate any relevant changes to Census processes and data collection methods. This change may need consequential amendments to the Waste Minimisation (Information Requirements) Regulations 2021 before they are transitioned to the new legislation.	
8	Amend *section 32 Spending of levy money by territorial authorities* to reflect the wider scope of permissible spending of the territorial authorities' portion of the levy: a) Activities that promote or achieve waste minimisation b) Costs associated with managing emergency waste (including the preparation of disaster management plans) c) Activities that provide for the remediation of contaminated sites and vulnerable landfills d) Costs associated with compliance, monitoring and enforcement of mismanaged waste e) Activities that reduce environmental harm or increase environmental benefits.	Increases fiscal flexibility
9	Amend *section 33 Secretary must retain levy money instead of paying territorial authority in certain situations* to reflect that withholding one or more levy payment from territorial authorities will be at the discretion of the Secretary in relation to WMMP requirements. To assist with decision making, the Secretary will need to consider certain matters before deciding whether to withhold payment (was it foreseeable, and or preventable, and what progress has been made in adopting or reviewing a WMMP).	Proportionate CME response Improves efficiency and effectiveness
Estimated levy and unpaid levy		
10	Carry over section 34 *Estimation of amount of levy payable* with amendments to ensure in 2(b) and 2(c) 'written demand' can include an emailed demand for payment. The levy estimation provisions in Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 may require amendments to provide for estimate corrections, prior to these regulations being transitioned into the new legislation.	Reduce administrative costs Modernisation
11	Carry over and amend section 35 *Interest on unpaid levy* to require interest on unpaid levy to be calculated in accordance with Schedule 2 of the *Interest on Money Claims Act 2016* 'Calculation of interest for amounts under other enactments'.	Reduce administrative costs Modernisation
12	Carry over with no changes section 36 *Unpaid levy is debt*	Proportionate CME response
Minister's functions in relation to levy		
13	Carry over section 37 *Minister may direct Secretary to retain payment to territorial authority* with amendments: i. to replace the wording "in respect of a financial year' and 'in respect of the previous financial year" with "withhold one or more future payments of levy money"	Proportionate CME response Reduce administrative costs

	ii. to change the decision-maker from the Minister to the Secretary, and iii. only carry over 30(a) as 30(b) and (c) will become offences under the compliance, monitoring, and enforcement framework.	
14	Section 38 *Minister may approve funding of projects* (1) and (2) may be amended during drafting to reflect the policy intent of matters covered in section 37 (ie, in relation to levy funds being used for activities that reduce environmental harm or increase environmental benefits.	Increases fiscal flexibility
15	Section 38 (3), (4), (5) and section 38(A) are to be carried over with no changes.	Support unfettered decisions or advice
16	Amend *section 39 Minister must review effectiveness of levy* to review the effectiveness of the levy at least every 5 years, and to ensure the review includes the broader parameters of the levy spend for TAs.	Deliver on goals of waste strategy Improves efficiency and effectiveness Reduce administrative costs
17	Section 40 *Minister may appoint levy collector* to be carried over with no changes.	Clarifies roles and responsibilities
Regulations in relation to waste disposal levy and related matters		
18	Section 41(1) and (2) to be carried over with no changes. Amend section 41(3) (which enables levy exemptions) to require that the Minister must not recommend the making of regulations under subsection (1) (b), (c) unless he or she is satisfied: i. the exemption is consistent with the purpose of the Act and ii. the exemption is no broader (in scope and duration) than is reasonably necessary in the circumstances. The current provision s41(3) does not change for (k) levy refunds - the Minister must not recommend the making of regulations under subsection (1) (b), (c) unless he or she is satisfied that exceptional circumstances justify the refund. The levy exemption regulations can be time-limited but must be reviewed within a period of five years, with the ability to review earlier.	Provides clarity for applicants and/or Secretary Improves efficiency and effectiveness
Responsibilities of territorial authorities in relation to waste management and minimisation		
19	Amend section 42 to specify that the responsibilities of territorial authorities in relation to waste management and minimisation to clarify that (in addition to existing provision: “[TAs] must encourage effective and efficient waste management and minimisation…”) this includes: i. a requirement to ensure the delivery of household waste and recycling services in their district, which could be delivered directly or by other private providers. ii. a requirement to develop and implement their WMMP.	Deliver on goals of waste strategy Clarifies roles and responsibilities
20	Amend section 43 (waste management and minimisation plans) to also require that the WMMP must include objectives and policies in relation to broader use of levy	Deliver on goals of waste strategy

	funds (subject to decisions on use of levy funds in relation to section 32): a) activities that promote or achieve waste minimisation b) activities in relation to the management of emergency waste c) activities that provide for the remediation of contaminated sites and vulnerable landfills d) activities in relation to compliance monitoring and enforcement of mismanaged waste e) activities that reduce environmental harm or increase environmental benefits. Where the scope of activities is non-waste-related (and therefore outside the WMMP) can also refer to other relevant planning or strategic documentation, such as emergency management plans.	Reduce administrative costs
21	Amend section 44 to include a requirement that the final WMMP must be submitted to the Secretary no later than 3 months after it has been formally adopted by the council, including relevant documentation to confirm the formal adoption by the TA. Amend to require that a TA must give effect to the waste strategy or any government policy on waste management and minimisation that replaces the strategy.	Provides certainty for the regulated community and manages Crown risks Deliver on goals of waste strategy
22	Sections 45-47 to be carried over with no changes (*Joint plans, Funding of plans and Grants*).	Improves efficiency and effectiveness Reduce administrative costs
23	Amend section 48 *Governor-General may give directions to territorial authority* to enable the Minister to direct territorial authorities to do a particular activity through the WMMPs (in addition to the current ability to amend, add or omit a WMMP provision).	Deliver on goals of waste strategy Provides certainty for the regulated community and manages Crown risks
24	Carry over section 49 *Minister may set performance standards for territorial authorities* to enable the Minister to also set standards for TAs with no changes.	Deliver on goals of waste strategy Provides certainty for the regulated community and manages Crown risks
Review of waste management and minimisation plans		
25	Carry over section 50 and amend section 50(3)(b) to change the requirements for a TA to follow the special consultative procedure set out in section 83 of the Local Government Act 2002, so each TA must follow their Significance and Engagement Policy consultation requirements before amending or revoking and a new waste management and minimisation plan substituted.	Reduce administrative costs Reduce regulatory burden
26	Sections 51-55 carry over with no changes (*Requirements for waste assessment, Waste management and minimisation services, facilities, and activities* and *Collection and disposal of waste*).	Clarifies roles and responsibilities

Appendix 2: Proposals for an extended producer responsibility framework

#	Amendment	Rationale
Removal of voluntary product stewardship		
1	The amended legislation will no longer include provision for accreditation of voluntary product stewardship schemes.	Improves efficiency and effectiveness Reduce administrative costs
Overarching framework		
2	The legislation will establish an overarching framework for extended producer responsibility (EPR) to amend existing product stewardship provisions, including: • enabling the Minister for the Environment (Minister) to appoint one or more PROs (including matters for the Minister to consider in doing so) (replacing existing provisions for accreditation, which do not provide enough discretion for Ministerial decision-making) • empowering PROs to undertake activities to achieve scheme outcomes (including entering into procurement agreements) and to set, review and vary scheme charges (consistently with Input Methodologies set by the Secretary) • governance requirements for the PRO (including financial controls and requirements for how scheme funds shall be spent to achieve outcomes) (in line with provisions in similar legislation such as the Commodity Levies Act 1990 to ensure funds are spent lawfully and for agreed purposes) • ability for the Minister and Secretary to establish additional matters via regulation and gazette notice, and matters they must consider in doing so (including consultation requirements) • ability for the Secretary or PRO to establish a Registration Portal as needed; requirements for producers and importers (hereafter first responsible suppliers) to register in the portal and provide information on their products to enable assessment of their status obligations; and a restriction on sale of products that do not meet these requirements • data sharing provisions, including between Customs and the Ministry for the Environment (Ministry) and between the PRO and the Ministry • supporting compliance monitoring and enforcement provisions • graduated ability for the Minister to intervene in defined circumstances • ability for the Minister to provide a temporary exemption for any in-scope product in emergency or unforeseen circumstances outside of normal scheme operations, following consultation with the PRO.	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks Provides clarity for applicants Appropriate financial and organisation governance
Establishing or varying a scheme		

3	Establish the purpose for which EPR tools can be used, to include consideration of significant environmental harm during the product's use or when it becomes waste; or significant benefits from resource recovery or treatment of the product.	Deliver on goals of waste strategy Provides certainty for the regulated community
4	Remove provisions for declaring priority products (with savings provisions to retain ability for the Minister to revoke a priority product declaration).	Improves efficiency and effectiveness
5	Expand the types of information held by the New Zealand Customs Service (Customs) that can be shared with the Secretary for the Environment (Secretary) (including allowing for sharing of information related to products that are or may be made subject to regulation under this part of the WMA; and sharing of information on exports and exporters as well as imports and importers), for the purposes of administering and implementing the Ministry's functions related to EPR including policy development and compliance, monitoring and enforcement (amending existing powers).	Proportionate CME response Improves efficiency and effectiveness Reduce administrative costs
Appointing a Producer Responsibility Organisation		
6	Replace provisions for accrediting product stewardship schemes with provisions for appointing producer responsibility organisations (PROs) (with savings provisions so that applications received up until the amended legislation is in force can be appropriately considered.	Clear and user-friendly legislation
7	The Minister may appoint an interim PRO and a PRO by publishing a notice in the Gazette.	Clarifies roles and responsibilities
8	A single PRO or multiple PROs are collectively responsible for the day-to-day operation of the EPR scheme, including: • coordinating and managing the scheme in compliance with regulations and standards/ requirements set by the Secretary • managing financial elements of the scheme, including setting and reviewing the scheme charges (but not refundable deposits); enabling collection of refundable deposits and/or scheme charges; paying for delivery of services to support the scheme; and making arrangements for payment of refunds from deposits directly or indirectly such as via return point operators • scheme logistics and procurement (for example establishing a return network and transport logistics; counting and consolidation facilities); and entering arrangements with producers/importers/other relevant parties (eg, return network/point operators, councils, resource recovery operators for reuse, recycling or other suitable end-of-life management for EPR products) • managing (or contracting management of) sites required for scheme operation, such as consolidation and/or counting sites • collecting and appropriately managing agreed information from scheme participants (including commercially sensitive information) and reporting agreed information to the Secretary	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks Appropriate financial and organisation governance

	• establishing and managing a dispute resolution process for issues that may arise between parties in EPR schemes (modelled on provisions in section 46 of the Fuel Industry Act 2020, to enable parties that are unable to resolve a dispute to refer the dispute to mediation and, failing that, arbitration following a process set out in regulations) • reporting to the Minister and publicly on the scheme's performance, financials, and forward projections (in line with the frequency of reporting outlined in the Information Disclosure requirements).	

9	Include criteria for assessing the suitability of organisations to be the interim PRO or PRO, as well as how it performs its role and duties, including:
	• that the entity is established as a legally New Zealand-registered not-for-profit entity
	• the entity has existing or planned capability to meet the scheme's expected outcomes and/or benefits and is likely to meet scheme objectives within agreed timeframes
	• that the entity has sufficient support of parties who are or would become first responsible suppliers for the product/s subject to EPR
	• the entity's existing or planned capacity to perform the functions and duties of the PRO specified in the WMA, including adequately dealing with the following:
	    o governance and organisational matters, including procedures for decision making, record keeping and dispute resolution
	    o mechanisms for participants in, or other persons with an interest, in the EPR scheme to provide ongoing input into the organisation's decision making
	    o financial arrangements and funding to achieve the outcomes of the EPR scheme
	    o environmental and health and safety policies and practices in relation to activities undertaken
	    o monitoring and evaluating the performance of the EPR scheme
	    o managing risk in relation to the operation of the EPR scheme
	    o mechanisms for adhering to government requirements and guidelines on collaborative activities between competitors
	    o consideration of existing schemes and current or future agreements between PROs enable effective cooperation, cost-efficient services, and prevent confusion for scheme users
	    o other matters that the Secretary identifies when the Minister calls for applications to be the interim PRO or PRO, including interim performance targets.
		Clarifies roles and responsibilities
		
		Provides certainty for the regulated community and manages Crown risks
		
		Provides clarity for applicants
		
		Appropriate financial and organisation governance

	If no suitable PRO application is received, the Minister could appoint a Crown Manager to act as an interim PRO until a suitable PRO application is received.	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks

10	Once regulations establishing an EPR scheme are in place, the Minister shall appoint the interim PRO as the PRO, unless one or more of the following circumstances apply:
	• the PRO no longer exists, goes bankrupt or is insolvent
	• the interim PRO informs the Minister in writing that it does not wish to be appointed as the PRO
	• the Minister has reason to believe that:
	  o the interim PRO would no longer meet the criteria outlined in recommendation
	  o the PRO would not be able to carry out its responsibilities
	  o the final scheme design implemented in regulations requires a different PRO structure or representation
	Before deciding to appoint the interim PRO as the PRO, or to call for new applications to be the PRO, the Minister shall consult with the interim PRO; may obtain and consider advice from the Waste Advisory Board; and may consult with persons or organisations who may be significantly affected by the decision.
		Clarifies roles and responsibilities
		
		Provides certainty for the regulated community and manages Crown risks
		
		Provides clarity for applicants
		
		Appropriate financial and organisation governance

EPR regulation-making powers		
11	The Minister be able to recommend the making of regulations by Order in Council to: • set EPR scheme targets and performance measures (such as minimum recovery targets, recycling targets, reuse targets) • identify products that will be subject to EPR, including establishing which products are eligible, exempt (whether temporarily or permanently), and excluded.[1] For clarity, the scope of coverage can include definitions and implementation thresholds (whether relating to the type of product, the quantity of products sold by a first responsible supplier, or some other	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks Provides clarity for applicants and/or the Secretary

[1] The Trans-Tasman Mutual Recognition Act 1997 would apply to any EPR regulated products. This means that a good that can be legally sold in Australia can likewise be legally sold in New Zealand, without the need to comply with any requirements relating to sale that are imposed by or under New Zealand law (including those relating to EPR), and vice versa. The implications of this legislation for specific EPR products would be considered on a case-by-case basis when regulations were proposed. In some cases, it might be desirable for New Zealand to consider passing regulations exempting a product subject to EPR from the provisions of the Trans-Tasman Mutual Recognition Act, as allowed for in sections 86 and 87 of that Act. Australian states have made similar regulations, for example in relation to goods subject to a beverage container return scheme in certain Australian states but not in New Zealand (or in other Australian states), to require compliance with the container return scheme.

		characteristic such as the mode of sale (eg, whether online sales would be subject to the scheme)) • specify the circumstances in which products will be regulated under the scheme, including any specific scenarios where clarity may be required (such as whether and how orphan and legacy products shall be incorporated)[2] • set and vary a refundable deposit (where relevant) and establish conditions relating to the refundable deposit such as the minimum type of payment (eg, cash or voucher redeemable for cash at the same site, that must be offered when products are redeemed for the refundable deposit) • identify participants with regulatory obligations, namely parties involved in some part of the life cycle of the product (such as first responsible suppliers, retailers, online platforms, and other sector participants such as resource recovery and waste service providers and territorial authorities) and require those participants to comply with Design Standards and Information Disclosure Requirements (as outlined below) • specify categories of regulated parties whose participation is mandatory and those for whom it is discretionary (noting that discretionary participants would still be required to comply with relevant Design Standards); such categories could be identified by type of activity (eg, retail of specified products); size (eg, businesses over a certain size threshold or serving a population of more than a specified amount; or other relevant categorisation) • require parties with a specified role in a scheme (eg, as mandatory or discretionary return point operators) to register and provide evidence of a return point onsite, or make an exemption request supporting why they are not required to provide a return point • prohibit the sale of products in defined circumstances • temporarily allow excluded products to continue to be sold on the New Zealand market, considering the scheme commencement date, for any existing products to enable transitional arrangements • restrict the importation of specified products (either absolutely or to specified classes of person) for the purposes of supporting the administration of EPR including compliance monitoring and enforcement; the Minister will consult with the Minister of Customs before making such recommendations • regulate products, materials and waste (whether to support EPR schemes or as stand-alone provisions), including control or prohibition on disposal, sale, manufacture; take-back services; labelling of products;	Appropriate financial and organisation governance

[2] Legacy products are those that are already on the market (or have reached end-of-life) at the time regulations take effect. Orphan products are those whose producers no longer exist.

	quality standards; and information to be collected and provided (as currently outlined in section 23, with any necessary amendments to reflect the wider EPR framework)
	• enable the Secretary to set by Gazette notice additional operational or technical details for any EPR requirements established in legislation or regulation as follows:
	  o Design standards: to cover detailed operation of the scheme to achieve its objectives, including such matters as procurement processes, labelling or signage requirements; and appropriate handling requirements for specific products.
	  o Information disclosure requirements: to cover information to be disclosed, the way it must be disclosed, and when and for how long such information must be disclosed. They could also cover any methodologies that must be applied in the preparation or compilation of the information, including requirements for management of sensitive information.
	  o Input methodologies: to instruct the PRO to take certain matters into account when it sets scheme charges and undertakes procurement to ensure the PRO is not undertaking unnecessary expenditure.
	• provide that Customs be enabled to collect scheme charges where they are named as a charge collection entity (subject to consultation with the Minister of Customs)
	• enabling the PRO to issue formal warnings, if satisfied that the PRO has adequate policies and procedures in place to ensure their appropriate use (including dispute and appeal processes).	

EPR scheme charges		
12	Scheme charges may be: • set by the PRO and published in the Gazette and on its website (the primary option) • set by the Secretary and published in the Gazette and on its website (as a backstop to the PRO doing so)	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks Increases fiscal flexibility
13	First responsible suppliers shall pay any relevant scheme charges on the basis on which they are set (eg, based on their market share, number of products or any other lawful basis set by the PRO).	Clarifies roles and responsibilities Provides certainty for the regulated community and

		manages Crown risks
14	The PRO may enter into agreements for another party (or multiple parties) to act as a collection agent, or another Crown agency to be the charge collection entity for some or all scheme charges, including refundable deposits	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks
15	Unpaid scheme charges and refundable deposits may be recovered as debt (subject to relevant dispute resolution provisions).	Provides certainty for the regulated community and manages Crown risks Proportionate CME response Appropriate financial and organisation governance
16	Where named as a charge collection entity, Customs would collect those charges as if they are duty under the Customs and Excise Act 2018 (unless otherwise established in regulations).	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks Increases fiscal flexibility
17	Allow for parties (including the PRO and any of its collection agents) to issue refunds and drawbacks as required to ensure correct scheme charges and refundable deposits are paid, and for the most appropriate party or parties to fulfil that role to be established in regulation (with consideration on a case-by-case basis).	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks Appropriate financial and organisation governance
18	Provide for the PRO to set scheme charges payable by first responsible suppliers that reflect the operational costs of managing their products as part of the scheme (meaning different participants could have different charges depending on factors such as the costs of managing different material types).	Increases fiscal flexibility Deliver on goals of waste strategy
EPR refundable deposit		
19	Where a refundable deposit has been established as part of an EPR scheme, regulations may provide that:	Clarifies roles and responsibilities

	- first responsible suppliers of eligible products collect (through sales) and pay (to the PRO) a refundable deposit upon first supply to the market and within a specific timeframe - eligible redeemed product deposits be refunded in prescribed circumstances, including where applicable, as donations to charities (and the PRO manages its finances such that it can always pay out required deposits) - the PRO collects the full deposit value prescribed in regulation from the first responsible suppliers of eligible products in a timely fashion - the PRO may use unclaimed deposits for its legitimate operational costs (in line with any provisions specified in Design Standards or Input Methodologies).	Provides certainty for the regulated community and manages Crown risks Increases fiscal flexibility Appropriate financial and organisation governance
Process requirements		
20	The legislation establishes what the Minister must do before recommending regulations in relation to EPR and/or products, materials or waste, including: - obtaining and considering the advice of the Waste Advisory Board - taking into account New Zealand's international obligations - allowing for consultation to occur - considering impacts, costs and benefits (including qualitative benefits) expected from implementing the regulations.	Clarifies roles and responsibilities Support unfettered decisions or advice
21	Before recommending the making of regulations for Customs to become a collection agent, the Minister shall consult with the Minister of Customs.	Clarifies roles and responsibilities
22	In using their powers to issue Input Methodologies, Information Disclosure Requirements and Design Standards, the Secretary: - shall ensure these tools are deployed to attain scheme outcomes - shall have regard to possible compliance costs that may be imposed on the PRO and scheme participants - shall take into consideration information provided by the PRO - must consult with the PRO and may consult with interested parties (except if satisfied that the changes are non-material).	Provides clarity for applicants and/or Secretary Appropriate financial and organisation governance
EPR compliance monitoring and enforcement		
23	Where required, identifiable information will be shared between the regulator and the PRO to assist both to perform their roles.	Proportionate CME response
24	A statutory obligation be placed on the regulator and the PRO to notify each other of any actual or potential breaches of EPR obligations they identify during their activities and share information relevant to the breach.	Proportionate CME response
25	Require the PRO to develop internal policies and procedures to manage private and/or commercially sensitive information,	Proportionate CME response

	and that such policies and procedures would include a duty to notify the regulator of any breaches of the policy.	Adherence to the Privacy Act
26	Audit powers can cover the PRO and others with a regulated role in the scheme (eg, return point operators, recycling providers).	Proportionate CME response
27	Some performance monitoring, administration and compliance, monitoring and enforcement costs may be cost recovered from the PRO, in line with any specifications in Input Methodologies.	Reduce administrative costs
Monitoring, oversight and the Minister's proposed intervention powers		
28	The PRO be required to report annually to the Minister and publicly on the performance of the scheme and what is being done to achieve scheme outcomes in line with Information Disclosure Requirements.	Deliver on goals of waste strategy Proportionate CME response
29	The Minister and the Secretary would be responsible for monitoring overall scheme performance (eg, that the scheme is meeting the proposed return rate and recovery, recycling or disposal outcomes) and regulated obligations would be subject to compliance monitoring and enforcement by the Secretary.	Deliver on goals of waste strategy Clarifies roles and responsibilities
30	The PRO may be required to review scheme charges at any interval specified in regulations.	Appropriate financial and organisation governance
31	Regulations may specify additional details on when reviews are to be conducted (eg, the timeframes and/or circumstances under which a review may be triggered) and any specific matters that must form part of the review.	Clarifies roles and responsibilities
32	The Minister shall review the operation of established EPR schemes including consideration of: • performance against targets • whether any changes are required to the categories of products that are eligible, exempt, and excluded • whether the scheme is adequately served by the current PRO model (eg, whether multiple or a single PROs should be retained or some other PRO structure could better serve specific sub-groupings, geographical regions or other distinct characteristics) • handling of sensitive information • any information available in relation to parties not participating in the scheme • setting the timeframe for the next review • any other matters determined by the Minister.	Provides certainty for the regulated community and manages Crown risks Appropriate financial and organisation governance
33	The Minister would have graduated powers to intervene in the PRO's running of a scheme in certain circumstances (in line with the approach in Part 5, Sub-Part 2 and 3 of the Water Services Entities Act 2022 and Part 2 of the National Animal Identification and Tracing Act 2012), including to: • appoint a review team to investigate and report on the nature and extent of any issue • direct the Secretary to review matters it has specified in Design Standards, Input Methodologies, or Information Disclosure Requirements	Provides certainty for the regulated community and manages Crown risks Appropriate financial and organisation governance

	• appoint a Crown Manager to act with, or in place of, the Board of the PRO to resolve any issue • make changes to the Board • as a last resort, dissolve the PRO Board or equivalent governance structure, taking on the assets and liabilities of the PRO and appoint an alternative PRO to continue scheme delivery • replace any scheme charge with a charge specified by the Minister (and set by the Secretary by gazette notice) (after first writing to the PRO explaining the reasoning and providing an opportunity for feedback).	
34	The Minister may intervene if: • the scheme has not met performance targets for a sustained period and/or by a substantial margin • the Minister has concerns, on reasonable grounds, that the PRO has failed to take reasonable steps to implement the scheme, cannot carry out its responsibilities, or is negatively impacting the environment • on request of the PRO, including in relation to matters specified by the Secretary in Design Standards, Input Methodologies, or Information Disclosure Requirements • the PRO goes bankrupt, is insolvent, or provides notice it intends to wind up its operations • recommended by a statutory process (eg review or Crown manager recommendation) • the PRO fails to meet its statutory obligations.	Provides certainty for the regulated community and manages Crown risks Appropriate financial and organisation governance
35	The legislation outlines the circumstances in which costs associated with the interventions outlined above would be funded by the PRO.	Provides certainty for the regulated community and manages Crown risks Appropriate financial and organisation governance

Appendix 3: Proposals for a new compliance monitoring and enforcement framework

#	Amendment	Rationale
Waste Minimisation Act 2008		
1	No changes required to the defences, strict liability, penalty for commercial gain, liability for principals for acts of agents (sections 67-70), carry over.	Proportionate CME response
2	Amend the current limitation periods for prosecution within the WMA to increase the limitation period to five years for criminal offences, and one year for breach of bylaw.	Proportionate CME response Reduce administrative costs
3	Carry over without changes section 72 injunctions restraining commission of offence.	Proportionate CME response
4	The maximum fee for infringements is set in the WMA at $1000 for an individual and $3000 for a company.	Proportionate CME response
5	Add enabling provisions to the WMA which allow for the setting of all infringement fees and associated fees for the CME framework via regulation.	Proportionate CME response Increases fiscal flexibility
6	Carry over the provisions for proceedings for infringement offences and issue and service of infringement notices (sections 73 and 74), these sections may require technical amendment because of drafting in relation to infringement offences.	Proportionate CME response Reduce administrative costs
7	For section 76 (1) of the WMA the Secretary may appoint enforcement officers for the purposes of compliance with the Act and regulations (excluding mismanaged waste and bylaws). For section 76(2) of the WMA TAs may appoint enforcement officers for the purpose of compliance with bylaws, mismanaged waste and regulations made under section 23(1)(a). Empowering provisions for other public authorities [listed in Appendix 4: *Proposals on mismanaged waste including littering amendments*] are included under section 76 of the WMA to allow the appointment of enforcement officers for the purpose of compliance with mismanaged waste. 76(3) of the WMA is to be amended to require other public authorities to supply enforcement officers with a warrant. Note: that subsections 3 and 5 of section 76 of the WMA are retained and carried over with the following amendment to section 76(3): “A person must not be appointed as an enforcement officer unless the person has appropriate experience, technical competence, ~~and~~ **or** qualifications relevant to the area of responsibilities proposed to be allocated to that person”.	Clarifies roles and responsibilities Provides certainty for the regulated community and manages Crown risks
8	Enforcement officers are provided with powers to require information (such as name, address, and date of birth), to execute requirements for the issuing of notifications to offenders within the compliance framework (such as but not	Proportionate CME response

	limited to warnings, directive notices and infringement fees) under the WMA.	
9	Enforcement officers are provided with general powers of entry for audit or inspection or to determine compliance with the Act, regulations or standard; or compliance with a directive notice under the WMA. And that this provision excludes the power to enter dwelling houses and marae.	Proportionate CME response
10	The facility being inspected can be provided reasonable notice (except where notice would defeat the purpose of inspection) under the WMA.	Proportionate CME response
11	The threshold for entering a site once suspicion arises is where the regulator has 'reasonable grounds to suspect an offence has been, will be, or is being committed' under the WMA. This power of entry would require a search warrant.	Proportionate CME response
12	Carry over without changes sections 81 and 82 on seizure of property not on private land and seizure of property from private land.	Proportionate CME response
13	Carry over without changes section 87 so the Secretary may require an audit.	Proportionate CME response Manages Crown risks
14	Carry over section 88 provisions to audit in respect of certain matters relating to facility or person, noting this section may require technical amendment because of drafting in relation to offence provisions and other changes.	Proportionate CME response Manages Crown risks
15	Regulations are to be developed alongside the waste legislation amendments, to set infringement fees and associated fees.	Proportionate CME response Increases fiscal flexibility
16	Maximum fine per offence (via the tiered approach) under the WMA are determined during the drafting phase in consultation with PCO and MoJ, to ensure consistency with other legislation.	Clear and user-friendly legislation
17	Penalties and fines are given lower rates for individuals and higher rates for companies under the WMA.	Proportionate CME response
18	Appeal provisions are drafted and included in the WMA to accompany the relevant compliance tools.	Proportionate CME response
19	Data sharing provisions under the WMA enable regulators to receive data and share that data with other regulators and the Ministry.	Reduce administrative costs Clarifies roles and responsibilities
20	The CME framework proposes 4 tiers of new tools and settings through a graduated response model. This provides a framework that addresses low level offending, through to high level offending, and ensures a proportionate response to the offence. the CME framework, including warnings, directive notices, infringements, enforceable undertakings, adverse publicity orders, monetary benefit orders, pecuniary penalties, and prosecution that can be drafted into the WMA to cover all aspects and parts.	Proportionate CME response

21	Specific wording of offences within the WMA will be developed in consultation with the Ministry of Justice and the Parliamentary Counsel Office	Clear and user-friendly legislation
22	Delegated decision-making powers are required so the Minister for the Environment can take decisions on further policy matters on how the regulatory framework should apply to regulatory requirements that are currently in development (ie: EPR) or those not yet determined as part of the waste legislation amendments (eg: specific offence and penalty settings), subject to final Cabinet confirmation of delegated decisions.	Clear and user-friendly legislation
Bylaw amendments		
23	All waste management and minimisation bylaw making provisions will align with the LGA2002 process.	Improves efficiency and effectiveness
24	The bylaw provisions are for managing localised waste management and minimisation issues and those not managed by the WMA/Litter Act and include making bylaws for mismanaged waste such as littering and dumping. Where appropriate, TAs are encouraged to use contract terms and conditions or sections 12 or 150 of the LGA2002 instead of a bylaw.	Provides certainty for the regulated community Reduce regulatory burden
25	Retain section 56(1) of the WMA, with amendments to give effect to the above recommendation that expands the bylaw purposes. Discuss with PCO when drafting whether the purposes in current 56(1) should be provided as examples but not limited to only these purposes.	Provides certainty for the regulated community Reduce regulatory burden
26	Retain and carry over section 56(2) through to (6) of the WMA. This is to ensure bylaws are consistent with WMMPs, provide for local licensing which align with the LGA2002 provisions. Specific amendments to sub-sections detailed below.	Provides certainty for the regulated community
27	Any breach of a waste management and minimisation bylaw should constitute an offence under the WMA, and the WMA compliance monitoring and enforcement provisions should be used to monitor and enforce these breaches.	Proportionate CME response Provides certainty for the regulated community
28	Retain the current provision in section 59 of the WMA which allows the Governor-General to make regulations by Order in Council for certain purposes.	Clarifies roles and responsibilities
29	Enable territorial authorities to prescribe fees and charges for waste-related management and minimisation services, as per section 150 of the Local Government Act 2002. Other public authorities will be able to make bylaws for mismanaged waste.	Clarifies roles and responsibilities Increases fiscal flexibility
30	Retain and carry over section 56(2) from the WMA that bylaws must not be inconsistent with the TAs Waste Management and Minimisation Plan.	Provides certainty for the regulated community
31	Bylaws made under the amended WMA need to be reviewed when there is a significant change made to the Waste Management and Minimisation Plan or the WMA that would result in the bylaw being inconsistent with either.	Provides certainty for the regulated community

32	Retain section 56(3) and amend to enable territorial authorities to make bylaws for the licensing of waste operators at any stage in the waste management or minimisation system, covering waste, diverted waste, recyclables, organics, recycled material and end-of-life materials or products.	Deliver on goals of waste strategy Improves efficiency and effectiveness
33	Retain and carry over with no amendments section 57 of the WMA so the Crown is bound by any bylaw	Clarifies roles and responsibilities
34	The review of bylaws should follow the process outlined in Part 8 of the Local Government Act 2022.	Improves efficiency and effectiveness
35	Retain section 60 of the WMA to ensure the bylaw provision in the amended legislation takes precedence if a conflict arises with the Local Government Act 2002 now or in the future. The bylaw section of the WMA will need to cross-reference the Local Government Act 2002 to retain consistency between the WMA and Local Government Act 2002.	Provides certainty for the regulated community
36	Officials will discuss with the Parliamentary Counsel Office whether sections 62-63 of the WMA are to be retained.	Clear and user-friendly legislation
37	Repeal section 64 of the WMA as waste bylaws in place made under part 31 of the Local Government Act 1974 should be renewed and updated as this section of the LGA1974 was repealed in 2008. We will provide a transitional arrangement to give any TAs with bylaws made under section 31 of the LGA1974 up to 3 years to renew their waste bylaws.	Clear and user-friendly legislation Modernisation
38	Retain the ability for public authorities to make bylaws alone or jointly for the purposes of managing and controlling mismanaged waste with another public authority or several public authorities (as per section 12 of the Litter Act).	Reduce administrative costs

Appendix 4: Proposals on mismanaged waste including littering amendments

#	Amendment	Rationale
Title, purpose, interpretation		
1	Change the title of the Waste Minimisation Act 2008 to recognise the expansion to mismanaged waste. The intent is for 'mismanaged waste' to be an umbrella term that covers dumped waste, littered waste, escaped waste, inappropriately stored waste, abandoned vehicles not on a road and harmful waste. It does not include waste lawfully disposed of. The title will reflect that the Litter Act has been repealed, and the relevant content related to litter and mismanaged waste has been combined with provisions relevant to waste. Examples of potential titles include "The Waste and Litter Act" or "Waste and Litter Management Act." A new title will be proposed in discussion with the Parliamentary Counsel Office during drafting.	Clear and user-friendly legislation (reflects operational practice; provides clear and updated definitions)
2	Expand the purpose of the Waste Minimisation Act 2008 to recognise the consolidation with the Litter Act 1979 and expansion of the purpose to add the promotion, prevention, management, control and enforcement of mismanaged waste such as littering with the aim of decreasing the harm from mismanaged waste. The proposed wording to be determined in discussion with the Parliamentary Counsel Office during drafting.	Clear and user-friendly legislation (reflects operational practice; provides clear and updated definitions)
3	Consolidating the Litter Act 1979 into the Waste Minimisation Act 2008 will lead to additional definitions that require interpreting. The new and amended terminology will be used throughout the draft Bill. Proposed wording for terms to be determined in discussion with the Parliamentary Counsel Office during drafting.	Clear and user-friendly legislation (reflects operational practice; provides clear and updated definitions)
4	Add an enabling provision to allow the Minister for the Environment to recommend the making of regulations to require public authorities who manage, control or enforce mismanaged waste to provide information to the Secretary for the Environment.	Provides certainty for the regulated community and manages Crown risks
5	Where appropriate, the Ministry may outline its expectation that parties undertaking scheme co-design and/or applying to be a PRO outline how they intend to address mismanaged waste issues within the EPR scheme.	Deliver on goals of waste strategy Improves efficiency and effectiveness
6	Change the term 'dangerous litter' to 'harmful waste' and broaden the term to cover hazardous waste that causes harm to human or environmental health due to its	Modernisation Deliver on goals of waste strategy

	properties, therefore requiring special handling and disposal, including but is not limited to lithium batteries, broken glass, syringes, medical waste, all waste plant material, waste containing persistent organic pollutants, material that could ignite to cause a fire and waste plastics that could breakdown to form microplastics.	Clear and user-friendly legislation
7	Add a new term 'waste plant material'.	Modernisation Clear and user-friendly legislation
8	Limit the definition of "public authority" as follows: a. retain territorial authorities (TAs), the New Zealand Transport Agency, persons appointed under the Reserves Act 1977 to control and manage reserves, and any public authority determined through an Act for the purposes of the amended WMA b. amend "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" by removing "or by the Governor General by Order in Council" c. repeal: Wellington Regional Water Board, Harbour Board, Airport Authority and Trustees of a cemetery, and d. add regional councils.	Modernisation Provides certainty for the regulated community and manages Crown risks Improves efficiency and effectiveness Clarifies roles and responsibilities
Roles and responsibilities		
9	Modernise and broaden the current term 'Litter Control Officer' to reflect the broader scope of mismanaged waste.	Modernisation Clear and user-friendly legislation Provides certainty for the regulated community and manages Crown risks Clarifies roles and responsibilities
10	Territorial authorities will be the primary agency responsible for mismanaged waste CME on private land and must delegate the mismanaged waste CME powers to regional council RMA regulators where it is appropriate for the effective and efficient control of mismanaged waste.	Reduce regulatory burden Clarifies roles and responsibilities Reduce administrative costs
11	Retain and carry over the role and title 'Litter Warden'.	Proportionate CME response

		Clarifies roles and responsibilities
12	Repeal the statutory responsibility for the promotion of litter control currently held by Keep New Zealand Beautiful to recognise the functions of litter control are undertaken by a range of entities.	Improves efficiency and effectiveness Provides certainty for the regulated community
13	Repeal section 6 (1)(b) ‘every traffic officer…’ as this role no longer exists.	Modernisation
Powers and duties		
14	Retain, with amendments, the ability for public authorities to appoint people to manage and control mismanaged waste and to enforce related offences within areas under their jurisdiction. This includes the ability to make joint appointments with other public authorities and appoint officers for mismanaged waste.	Reduce regulatory burden Improves efficiency and effectiveness Clarifies roles and responsibilities Reduce administrative costs
15	Retain, with amendments, the ability for persons by virtue of their office to automatically be appointed as people with warranted powers to manage and control mismanaged waste and enforce mismanaged waste offences.	Modernisation Clarifies roles and responsibilities
16	Provide for other LCOs appointed by public authorities (except TAs) to have the same level of powers and duties as their governing legislation: The Conservation Act 1987, the Reserves Act 1977, the Maritime Transport Act 1994, the Walking Access Act 2008, the Fisheries Act 1996, the Wildlife Act 1953, the National Parks Act 1980 and the Te Urewera Act 2014. Add a new governing legislation – the Marine Reserves Act 1971.	Clarifies roles and responsibilities Proportionate CME response
17	Retain section 6 (2), (3) and (4) of the Litter Act 1979 which provides additional supporting functions for warranting Other Litter Control Officers (refer to above)	Clarifies roles and responsibilities
18	Those entities being removed from the legislation be provided a transitional period of six months to transition individuals currently appointed out of their roles.	Transitional arrangement
19	Change the Litter Control Officer powers and duties provisions to: a. reflect the change to mismanaged waste not only littering powers b. allow Officers to use their enforcement powers where reasonable evidence identifies the owner/end-user and/or disposer of the mismanaged waste	Proportionate CME response Deliver on goals of waste strategy Improves efficiency and effectiveness Modernisation

	c. allow Officers to issue a directive notice to prevent litter being deposited in a public place or on private land (without the consent of the occupier of the land). This includes waste that is either deposited or windblown/or has escaped. d. ensure Officers can apply any of the enforcement tools to address issues on public land, on to private land without the owner's consent and from private land onto public land e. allow Officers to intervene to prevent the wilful damage of any litter receptacle in any public place where they are authorised to act. f. ensure Officers can direct a person (whoever is in control of the waste) to remove mismanaged waste from that place/land and dispose of it as directed g. ensure Officers can use vehicle registration details to identify mismanaged waste offences that originates from using a vehicle or trailer h. ensure Officers can require the owner/user of the vehicle to provide their name and place of residence and those of any other people the Officer has reason to believe deposited or let escape mismanaged waste from or using a vehicle/trailer i. ensure Officers can enter private land if permitted/requested to by the occupier in relation to mismanaged waste CME j. ensure Officers can require a person to state their name and address in relation to an offence or potential offence.	Provides certainty for the regulated community and manages public sector risks Clarifies roles and responsibilities
20	Household/domestic waste or commercial/business or industrial waste deposited in a public authority-provided waste bin is mismanaged waste and therefore, an offence.	Reduce regulatory burden Reduce administrative costs Provides certainty for the regulated community
Litter Wardens		
21	Carry over the provisions to appoint Litter Wardens from the Litter Act section 8 and ensure the provisions cover all types of mismanaged waste.	Clarifies roles and responsibilities
22	Retain the ability for public authorities to appoint Litter Wardens to promote and educate about mismanaged waste in their jurisdiction.	Proportionate CME response
Receptacles in public places		
23	Change the mandatory obligation for every person, public authority and department of State to provide litter	Reduce regulatory burden

	receptacles in every public place under their management, where litter is likely to be deposited to be discretionary.	Reduce administrative costs
24	Broaden the term ‘litter receptacle’ and litter to cover any type of waste receptacle and all types of mismanaged waste.	Modernisation
25	Retain overall responsibility for every person, public authority and Department of State making sure public places within their management are kept free of mismanaged waste and the waste contained appropriately to prevent waste escaping and becoming litter.	Deliver on goals of waste strategy Provides certainty for the regulated community Clarifies roles and responsibilities
26	Repeal the requirement for the Medical Officer of Health to be satisfied that emptying litter receptacles is done promptly, efficiently and at regular and prescribed intervals.	Reduce regulatory burden Reduce administrative costs
27	Retain the provision that every public authority shall also make appropriate provision for the emptying of the contents of litter receptacles situated within public places under its control or in its district and for the removal and disposal of those contents.	Deliver on goals of waste strategy Provides certainty for the regulated community Clarifies roles and responsibilities
Escaped waste		
28	Carry over sections 9(2), (3) and (4) with modernising of the language if required and covering all types of mismanaged waste including escaped waste from private land onto public land and on to other private land without the owner’s permission	Deliver on goals of waste strategy Provides certainty for the regulated community Modernisation
29	Add a defence for escaped waste due to an event beyond the control of the defendant such as a severe weather event, could not reasonably have been foreseen or been provided against, or was remedied by the Occupier after the event.	Proportionate CME response
Clean-up of waste		
30	Carry over and amend section 10 of the Litter Act to enable a LCO appointed by a TA to require an occupier of private land or a person who they have reason to believe has littered/dumped waste on public land or on to private land without the owner’s permission to clear away/clean up the waste if it causes environmental harm or harm to human health. To enforce this provision, the LCO would be able to use the general power of entry. The threshold for entering	Proportionate CME response Reduce administrative costs Increases fiscal flexibility

	a site once suspicion arises is where the regulator has 'reasonable grounds to suspect an offence has been, will be, or is being committed' under the legislation. This power of entry would require a search warrant and excludes the power to enter dwelling houses and marae.	Modernisation
31	Expand the clean-up provision (s10 of the Litter Act) to allow a LCO appointed by all other public authorities, to require a person who they have reason to believe has littered/dumped waste in an area under their jurisdiction to clear away/clean up waste if it causes or has the potential to cause environmental harm.	Proportionate CME response Reduce administrative costs Increases fiscal flexibility Modernisation
32	Replace the phrase 'grossly deface or defile' with 'causes or likely to cause environmental harm' for when an Officer can require an occupier of private land to clean up the waste.	Proportionate CME response Modernisation Clear and user-friendly legislation
33	Add a provision that allows the LCO flexibility to specify the time within which the occupier must screen or cover the material, after which time the material must be cleared away or cleaned up. If an occupier fails to follow a clean-up notice, an offence is committed and the LCO can escalate the enforcement response.	Proportionate CME response Improves efficiency and effectiveness Reduce administrative costs
34	Remove the 14-day timeframe from issue of a notice to clearing away or cleaning-up or storing the waste appropriately and replace with a timeframe determined by the Officer up to 14 days with the intent to allow for prompt or immediate clean-up of hazardous waste or lightweight waste that could spread easily and a longer clean-up timeframe for non-hazardous, heavy waste with lower environmental impact.	Proportionate CME response Improves efficiency and effectiveness Deliver on goals of waste strategy
35	Remove the ability to issue a notice for the occupier to screen, cover or otherwise obscure from view the litter and replace with the ability to issue a notice for the occupier to securely store, cover or appropriately dispose of the mismanaged waste.	Proportionate CME response Improves efficiency and effectiveness Modernisation
36	Retain the ability for a territorial or public authority to make grants to any organisation for the abatement or prevention of litter/mismanaged waste and retain the ability for a territorial authority or public authority to spend such sums of money as it thinks fit on any scheme or campaign for the abatement or prevention of litter/mismanaged waste	Improves efficiency and effectiveness Reduce administrative costs

		Increases fiscal flexibility
Offences and enforcement		
37	Update the wording to clarify that territorial authorities may use their allocation of waste levy funds for the purpose of funding compliance monitoring and enforcement of mismanaged waste.	Increases fiscal flexibility
38	Add the following two new provisions: a. Every person must use public waste and recycling bins (receptacles) correctly – with 'correctly' defined by the public authority who provided them. The compliance monitoring and enforcement of this requirement to be the responsibility of the public authority that provided the waste and recycling bins. b. A person must dispose of or discard of material correctly - with 'correctly' defined by the public authority. The compliance monitoring and enforcement of this requirement to be the responsibility of the public authority.	Improves efficiency and effectiveness Deliver on goals of waste strategy Reduce regulatory burden
39	Carry over the ability for Territorial authorities to retain the infringement fee.	Increases fiscal flexibility
40	For other public authorities, the infringement fee must be paid into a Departmental Bank Account.	Increases fiscal flexibility
41	Repeal sections 15 to19B of the Litter Act 1979 as these provisions are covered in the proposed compliance monitoring and enforcement framework. Refer to Appendix 3 on the CME framework.	Clear and user-friendly legislation
42	Add a defence for any mismanaged waste offence where the waste disposed was lawful under any other legislation.	Proportionate CME response
43	Retain the ability for the offender to be ordered by the Officer to clear the area where the mismanaged waste occurred without going to court.	Proportionate CME response Reduce administrative costs
44	Carry over an amended section 21 to provide the ability to require an offender to pay, by way of compensation to the public authority, regulator or occupier of private land where the offence is committed, such a sum as is reasonable to cover the cost of the removal of the litter/waste and the environmental harm caused.	Proportionate CME response
45	If a Litter Control Officer (LCO) appointed by a territorial authority (TA) has reasonable grounds to suspect that waste is escaping from a private property they will be able to use the general power of entry to check compliance and issue a directive notice if there is evidence of non-compliance.	Proportionate CME response

Appendix 5: Consequential amendments, transitional arrangements and other matters

#	Amendment	Rationale
Waste Advisory Board		
1	Remove the outdated advertising requirements under section 93(2).	Modernisation
2	Repeal 93(4) The Minister must consult the Minister of Māori Affairs before appointing any member to the Board.	Modernisation
3	Repeal section 99 of the Waste Minimisation Act 2008, as it is no longer operational or necessary.	Modernisation
Emergency provisions		
4	Enable the Minister for the Environment (the Minister), to implement emergency measures, via Gazette notice, in response to an emergency which meets required criteria. This power would apply where the event causes substantial disruption to waste management operations and requires regulatory flexibility for Disposal Facility Operators (DFO's) and Territorial Authorities (TAs).	Reduce regulatory burden Improves efficiency and effectiveness Increases fiscal flexibility
5	The Minister must consider the following criteria to determine if an emergency meets the threshold to enact the emergency provisions under this section: a) scale of the event b) size of the populations affected c) volume of the waste generated or extent of the damage d) significant disruption of waste management operations e) waste types; and f) the Minister considers it reasonably necessary to support the response and/or recovery from the emergency.	Provides certainty for the regulated community and manages Crown risks
6	The Gazette notice must specify: a) the geographical area impacted by the emergency, and where the Gazette notice will apply; and b) the timeframe for which the Gazette notice applies; and c) the period whereby the impacted disposal facility operator will be exempt from paying the waste levy (reporting obligations including activity category reporting will still apply); and d) the period whereby a disposal facility operator may amend or update tonnage data and allow the waste levy collector to issue credit notes and invoices accordingly.	Provides certainty for the regulated community and manages Crown risks Increases fiscal flexibility
7	Enable the Minister to delegate to the Secretary of the Environment any of the following powers to: a) waive the levy, waive the interest charges on the levy (under section 35), and extend the time to pay the levy and extend reporting deadlines provided that the DFO has been affected by the designated	Increases fiscal flexibility Reduce regulatory burden

	emergency and this impacts the DFO's ability to meet its obligations under the WMA. b) extend the timeframe for a territorial authority to review its Waste Management and Minimisation Plan (WMMP) under section 50. c) allow waste levy payments to TAs even if they have not reviewed their WMMPs under Section 50, with the payment to be made once the review is completed.	Provides clarity for applicants and/or Secretary
8	In the event of the Minister triggering an emergency provision that the Secretary for the Environment can exercise delegated powers under the WMA only if the following conditions are met: a) the Secretary considers it reasonably necessary to distribute waste levy allocations to TAs that have not met planning obligations due to the designated emergency; and b) the Secretary is satisfied that the TA lacks sufficient capacity, because of the designated emergency, to undertake the required steps for reviewing its WMMP; and c) the Secretary is satisfied that conducting the WMMP review during the emergency would not accurately reflect the waste generated and would therefore fail to properly inform the future WMMP.	Reduce regulatory burden Provides clarity for applicants and/or Secretary
9	Under this part, the definition of "emergency" will align with the definition of emergency under the Civil Defence Emergency Management Act	Clear and user-friendly legislation
Transitional arrangements and consequential amendments		
Litter/Mismanaged waste		
10	Territorial Authorities (TAs) and other public authorities who use the Waste Minimisation Act 2008 (WMA) or the Litter Act 1979 (Litter Act) bylaw provisions, transition to the new bylaw provisions within 5 years of the commencement date for the amended Act or earlier if they choose.	Reduce regulatory burden Reduce administrative costs
11	Any waste/litter bylaws not reviewed and confirmed or replaced by the 5-year deadline are regarded as revoked.	Provides certainty for the regulated community
12	Any waste bylaws made under part 31 of the Local Government Act 1974 should be renewed and updated as this section of the LGA1974 was repealed in 2008. TAs with bylaws made under section 31 of the LGA1974 have up to 3 years to renew their waste bylaws.	Modernisation
13	Any waste bylaws must be reviewed and adopted prior to activating the infringement provisions.	Provides certainty for the regulated community
14	The amended legislation prevails if there is any inconsistency with a bylaw and the public authority must amend or revoke the bylaw to remove the inconsistency within the 5-year period.	Provides certainty for the regulated community
15	On commencement of the amended legislation, any references to litter in a public authority bylaw covers the scope of the proposed new definition and umbrella term 'mismanaged waste'.	Clear and user-friendly legislation

16	Consequential amendments may be required to other legislation that refers to the Litter Act or its provisions which will need to be amended on enactment.	Clear and user-friendly legislation
17	Add a new enabling provision for regulations to enable public authorities to share information for the purposes of compliance, monitoring and enforcement of mismanaged waste offences.	Improves efficiency and effectiveness
18	Keep New Zealand Beautiful will be given time to remove any references to their Litter Act statutory role from their material.	Clarifies roles and responsibilities
19	The existing Litter Act infringement fees remain in place until the new infringement fee regulations have been enacted.	Provides certainty for the regulated community
Compliance monitoring and enforcement (CME)		
20	Grandfather the current Compliance, Monitoring and Enforcement (CME) framework in the Waste Minimisation Act and the Litter Act for a period of 12-18 months, to allow sufficient time for the development and implementation of the amended CME framework.	Provides certainty for the regulated community
21	The commencement date for the amended CME framework will reflect the time required to establish supporting systems, guidance and operational processes. A phased-in commencement approach will be discussed with PCO during the drafting process to ensure alignment with implementation timelines.	Provides certainty for the regulated community
22	Appeal and review mechanisms in legislation will include transitional provisions. The CME tools will require transitional provisions to come into effect to ensure it has time to become operational, such as system updates.	Provides certainty for the regulated community
23	Consequential amendments for data sharing may be required to enable data to be shared with the regulator (the Ministry), and between other mismanaged waste regulators (such as TAs and other public authorities).	Improves efficiency and effectiveness
24	Grandfather the warrants under the current legislation. Guidance will be provided to TAs and other public authorities to update warrants over time and to provide information to enforcement officers of their amended powers under the WMA.	Provides certainty for the regulated community
25	Provide transitional arrangements for existing cases initiated under current timeframes. New timeframes will likely apply only to new offences committed under amended legislation.	Provides certainty for the regulated community
26	Proceedings in relation to infringement offences aligns with section 21 of the Summary Proceedings Act 1957. The timeframe for filing a charge for infringement offences within the CME framework will be 6 months.	Provides certainty for the regulated community
27	Section 75 of the WMA is to be amended to ensure that the Ministry can retain monies from waste infringement offences.	Increases fiscal flexibility
28	The regulator can retain fees from penalties for mismanaged waste and waste. Further decisions by the Minister for the Environment may be required during the drafting phase, in relation to infringement fees and penalties issued by the Ministry, and if this will form part of the hypothecated levy monies.	Increases fiscal flexibility

29	The maximum penalties will be determined in collaboration with the MoJ and PCO.	Provides certainty for the regulated community
Extended producer responsibility		
30	Applications for accreditation received prior to the commencement of the amended Act will be processed under the current provisions. If an application meets the requirements of section 15, the Minister must accredit the scheme, for the term specified in the application, or for a maximum of 7-years.	Provides clarity for applicants
31	The existing accredited voluntary product stewardships schemes remain accredited until their scheduled expiry. The savings provisions will be needed to carry over the management and monitoring of accredited schemes, for a maximum 7-years.	Reduce administrative costs
32	Existing accredited priority product stewardship schemes remain accredited until their scheduled expiry, unless revoked (under section 18), due to replacement with an Extended Producer Responsibility (EPR) scheme.	Provides certainty for the regulated community
33	Savings provisions will be needed to carry over the provisions for the management and monitoring of accredited schemes, for a maximum seven years. The timing of the replacement EPR schemes will precede or align with the applicable accredited schemes expiry date.	Provides certainty for the regulated community
34	The Waste Minimisation (Tyres) Regulations 2023 will be carried over into the amended Act. Any regulations for other priority product stewardship schemes enacted prior to the commencement of the amended Act will be carried over.	Provides certainty for the regulated community
Waste levy		
35	The new distribution methodology for TAs is applied for the first quarterly payment period following enactment. This will require amendment to the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009, which outlines how the Secretary calculates the share of levy to go to each council.	Increases fiscal flexibility
36	The Waste Minimisation (Information Requirements) Regulations 2021 and Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 will be amended to: - Specify updated population data sources - Allow supplementary data for transitional period The current TA payment will be grandfathered until the new framework is up and running. (The commencement date will be about 6 months after enactment). This will require amendment to the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009, which outlines how the Secretary calculates the share of levy to go to each council.	Increases fiscal flexibility Clear and user-friendly legislation
37	TAs can spend their levy allocation on any broader activities before they have amended and adopted a revised WMMP. Any new levy spend categories can apply before a TA has reviewed and updated/adopted its WMMP to reflect the amended levy spend categories. The current requirement to	Increases fiscal flexibility

	update the WMMP within a six-year timeframe is carried over unchanged (section 50).	
38	Existing reporting requirements will be carried over with no changes.	Reduce regulatory burden
39	Applications for waivers received prior to the enactment of the amended Act will be processed under the current provisions.	Provides clarity for applicants and/or Secretary
40	Disposal Facility Operators (DFOs) must meet the new material reuse and stockpiling requirements within three months of enactment.	Proportionate CME response
41	Existing plastics regulations (microbeads, plastic products and shopping bags) are expected to remain in force under the amended WMA. We intend to apply the full suite of CME tools to support the enforcement of existing plastics regulations. • *Waste Minimisation (Microbeads) Regulations 2017* • *Waste Minimisation (Plastic and Related Products) Regulations 2022* • *Waste Minimisation (Plastic Shopping Bags) Regulations 2018*	Proportionate CME response Provides certainty for the regulated community and manages Crown risks

Regulatory Impact Statement: Amendment of waste legislation 2025

Decision sought	Analysis prepared to inform final Cabinet decisions on the drafting of new legislation
Agency responsible	Ministry for the Environment
Proposing Ministers	Minister for the Environment
Date finalised	21 August 2025

Briefly describe the Minister's regulatory proposal

The overall proposal is to amend the existing legislation - the Waste Minimisation Act 2008 (WMA) and the Litter Act 1979 (the Acts) and consolidate them into a single Act. This amendment would create a fit-for-purpose, modern waste legislation that offers flexibility and provides more options to reduce and manage waste effectively and efficiently.

Summary: Problem definition and options

What is the policy problem?

There are several components to the policy problem. In part, multiple issues stem from limitations of the existing legislation (WMA 2008 and Litter Act 1979), which creates restrictions to effectively addressing environmental harm from waste and litter. The Acts are at least 17 years old and require modernisation in order to be able to resolve key issues, while keeping pace with technology, industry and public expectations for improvements in this space.

Use of the Acts over many years has revealed their shortcomings across a range of areas, as experienced by a range of parties (local and central government, regulated parties, and others in the waste sector). For example, the ability to ensure compliance with legislative provisions (including secondary legislation), applying proportionate penalties/offences, effectively manage litter and dumping, ensure waste-related activities can be funded without having significant costs fall on local communities, and the ability to implement regulations in a timely manner (such as product stewardship schemes), among other issues.

Modernising and improving existing legislation would make it fit-for-purpose and equip users of legislative provisions with effective tools to respond to current and future waste-related challenges. A revised legislative framework would improve outcomes across waste disposal, resource recovery and the reduction of litter and illegally dumped waste. New Zealand is behind many of its key trading partners with respect to national performance in these areas. New Zealand's reputation for its high-quality export products and its clean environment is central to its success in key markets, including the agriculture, tourism and hospitality sectors.

Based on feedback through multiple public engagement activities and recognising the growth and development opportunities that have been achieved internationally in this space, the New Zealand public, businesses and key industries (including regulated parties and the wider waste sector) have made it clear they support improved legislation. This support reflects a strong desire to see improved outcomes and ensure that the enabling systems are efficient, fair and transparent, and the public have confidence in the waste system. The systems rely on action at a local level and the ability to apply a graduated range of tools for compliance, monitoring and enforcement, so a nuanced and tiered approach is needed. Regulatory mechanisms can include setting a level playing field (such as for operators and facilities), providing clarity on roles and responsibilities, ensuring that operators/parties engaging in misconduct face appropriate consequences, collecting and sharing data which can be used to assess the effectiveness of the legislation.
What is the policy objective? The objective is to ensure a fit-for-purpose legislation with an effective range of tools for managing waste and broader environmental risks. It will establish the legislative framework to deliver on the broader objectives of improving outcomes for waste disposal, resource recovery, and reduction of litter and illegally dumped waste (such as those outlined in the Government's recently published New Zealand Waste Strategy). The amended legislation is also intended to address a range of issues and limitations, and to enable tools that can address present and future waste-related challenges. Fit-for-purpose legislation is a key enabler for achieving the outcomes of the recently revised and published New Zealand Waste and Resource Efficiency Strategy (the Waste Strategy).[1] The intended outcomes of the Waste Strategy are to: reduce per capita waste disposal; increase reuse and recycling of materials and products so that we retain valuable resources in the economy; minimise emissions and environmental harm from waste and litter; ensure resource recovery and disposal facilities are managed to minimise their environmental impacts; and to limit the environmental harm caused by contaminated sites including legacy sites. Success of the waste legislative proposals will be measured through stakeholder support (from consultation to legislative implementation), improved waste-related outcomes (particularly where legislation has a direct impact on those outcomes, such as improved compliance activities and reduced instances of littering and mismanaged waste), effective use of legislative provisions (for example, levy spend parameters and product stewardship schemes), the long term durability of the legislative amendments implemented.
What policy options have been considered, including any alternatives to regulation? Policy options considered include a range of legislative approaches from minor technical amendments to more directive approaches (noting this depends on the type of provision or tool being considered). These are detailed further in the subsequent sections which outline options considered for each topic ("proposals"), and consideration of options against the status quo. Topics in this RIS are as follows: • creating an enabling framework for Extended Producer Responsibility (EPR) schemes (including a beverage container return scheme (CRS), should a decision to implement one be taken in the future).

[1] The Waste Strategy was introduced in March 2025 [Waste and resource efficiency strategy | Ministry for the Environment](). It states "fit-for-purpose legislation that supports: an efficient market for waste management and recycling; optimal investment decisions; appropriate responsibilities across the supply chain" as part of the means for achieving improved waste outcomes.

- making changes to the accreditation of voluntary product stewardship schemes
- improving the levy system through the following changes to waste levy allocation, distribution and use:
  - adjusting the method for allocating funds from the Waste Disposal levy (the levy) to Territorial Authorities (TAs)
  - broadening the use of the levy funds for TAs to support a broader range of waste and environmental outcomes that applies beyond waste-related activities
  - remove the levy exclusion for waste-to-energy technology and facilities
- clarifying the minimum obligations for waste minimisation and improve the regulatory tools to ensure these are delivered
- adjustments to the role of the Waste Advisory Board (WAB)
- updating the Compliance, Monitoring and Enforcement (CME) regime for the waste regulatory system
- consolidating and improving the legislation for littering and other mismanaged waste.

The status quo (or ‘do nothing’ scenario) involves working within the existing legislative provisions (the WMA, the Litter Act and any other related regulations). Key elements of this include:

- levy funds continuing to be allocated based on current methodology to both central and local government, with levy spend parameters being broad for the central government portion and narrower for the local government portion
- levy allocation settings resulting in significant funding disparities between larger and smaller TAs
- limited mechanisms for addressing non-compliant behaviour
- limited ability for public authorities to issue penalties for littering and dumping waste, and the costs associated with clean-up continue to fall solely on local communities
- development of regulated product stewardship will continue at some level but is likely to be very challenging for more complex product categories and schemes (with various issues and inefficiencies for industry and government as detailed further below).

What consultation has been undertaken previously and what were the results?

Relevant public consultation and targeted stakeholder engagement have taken place since 2021.

Public consultation took place in late 2021 to seek feedback and ideas on content for the (then) proposals for a new Waste Strategy and legislative amendments. This was designed to obtain general feedback to assist the development of proposals for the strategy and the legislation. The consultation included some high-level proposals for legislative amendments and produced nearly 2,500 submissions from individuals, the waste sector, businesses, and local government. There was a high level of support for transforming the way we manage waste and the moving towards a ‘circular economy’ approach (i.e., designing-out waste, keeping valuable resources in use for longer), which was a core theme of the Waste Strategy at the time. A greater focus on mechanisms to reduce waste generation was broadly supported. Most submitters wanted to see more regulatory tools and decisions being made that would deliver outcomes embedded in the upper part of the waste hierarchy.[2] Whilst aspects of this proposal differ from those consulted on in 2021, this previous consultation provides a useful sounding board on stakeholders’ perspectives on improving waste legislation.

[2] The waste hierarchy is shown in the Waste Strategy: [Waste and resource efficiency strategy | Ministry for the Environment]

For proposals being currently considered, the Ministry undertook targeted engagement webinars with three key stakeholder groups in December 2024 (the Waste Advisory Board (WAB), representatives from WasteMINZ's territorial authorities' officer's forum, and representatives from the Waste and Recycling Industry Forum). This entailed separate webinars where officials presented the proposals and sought written feedback following the webinar. Most of the feedback received supported the proposals on waste legislation amendments and encouraged careful consideration of how the proposals would be implemented. This feedback was provided to the Minister for the Environment and officials took it into account in further policy development.

Public consultation on the full suite of legislative proposals was undertaken in 2025, including on:

- 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.

The consultation closed on 1 June 2025 and resulted in 267 submissions. As with the targeted engagement, the majority of the feedback received supported proposals on waste legislation amendments, with encouragement of careful consideration on implementation. Of the 267 submissions received, 108 were from members of the community and 159 were from organisations ranging from TAs, NGOs, waste and resource recovery sector and business.

95 per cent of submitters supported replacing product stewardship provisions with a framework for extended producer responsibility. 69 per cent of submitters supported the proposal to remove provisions in the legislation for government accreditation of voluntary product stewardship schemes.

The consultation responses saw divided views on the proposal to broaden scope of the Waste Disposal Levy spend for TAs. Of the 205 submitters that responded 61 per cent of submitters were opposed to broadening the scope of the levy to include activities that reduce environmental harm or increase environmental benefits including beyond waste-related activities. Submitters expressed that the levy should stick to its core purpose of waste minimisation.

There was also a divided response from submitters regarding broadening the activities the levy can be spent on. 50 per cent of the 207 submitters that responded supported including costs associated with managing emergency waste, while 49 per cent of the 203 submitters that responded opposed extending levy use to activities that provide for remediation of contaminated sites and vulnerable landfills. Submitters commented that by broadening the levy scope would in turn dilute the overall funds as TAs would be expected to use their portion on more initiatives making it harder to produce tangible change.

Submitters opposed the proposal to change the timeframes for the review of the effectiveness of the waste levy from every three years to at least every five years with 58 per cent of the 177 submitters that responded opposed.

In regard to the proposed changes to roles and responsibilities, of the 135 submitters that responded, 56 per cent supported the proposal that the Secretary for the Environment's (Secretary's) ability to retain levy payments should change from mandatory to discretionary. Concerns were raised regarding increased financial uncertainty for councils, which they considered could undermine local waste minimisation efforts. However, Officials believe these concerns will be mitigated by the anticipated increase in levy which was introduced through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024.
Is the preferred option in the Cabinet paper the same as the preferred option in the RIS? Within the suite of proposals described below, the preferred option in the Cabinet paper is similar to the preferred option in this RIS. This entails the following (noting where there is a deviation from the preferred option in the RIS): • a new and improved extended producer responsibility framework • removing provisions for the Minister to accredit voluntary product stewardship schemes and declare priority products • changes to allocation of levy funds for TAs to provide a baseline level of funding to all TAs • allowing TAs to use levy funds to support a wider range of activities but with the removal of decision-making frameworks and changes to reporting requirements recommended by the preferred option • removing the exclusion of waste-to-energy facilities from the waste levy • clarifying roles and responsibilities of territorial authorities in the waste legislation without the suggested changes to performance standards from the preferred option and further changes to allow TAs to spend levy funds on broader parameters immediately without requiring the WMMP to be updated first • Minor updates to the provisions of the WMA relating to the appointment of WAB members (these minor changes are in leu of the preferred option in the RIS) • establishing a proportionate, graduated compliance monitoring and enforcement (CME) framework without the requirement for the regulator to report on CME performance • creating an expanded range of tools for addressing littering and dumping.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)
An increase in compliance tools will likely result in more compliance efforts to ensure a level playing field and enabling effective management of non-compliant activities (such as dumping of waste materials or levy avoidance activities). Based on current settings (not proposed to change), these activities are funded through the waste levy and undertaken by the Ministry for the Environment (the Ministry) under the WMA, and by Litter Control Officers (LCOs) appointed by public authorities and funded through general rates under the Litter Act. Regulated parties that are non-compliant would be expected to experience an increase in enforcement activities in response to non-compliant actions (with the adoption of a graduated CME framework this could range from directive notices to requiring costs for clean-ups, with actual penalty charges subject to further decisions at the drafting stage). Broader use of levy funds for TAs may result in a net reduction in waste minimisation activities that have been historically funded at the local level. However, given the increase in levy rates and projected increase in levy revenue over the next 4-5 years that was

implemented through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024 and the proposed change to allocation to TAs, actual waste minimisation expenditure is likely to be variable across different TAs. This could see changes in waste minimisation jobs, the waste sector and waste economy, however these changes could also provide benefits to other sectors who may see an increase in activity through TA spending. These impacts are difficult to predict. Costs associated with secondary legislation (regulations or bylaws established through enabling provisions) are not included as these can vary in scope significantly and will be assessed at the time those enabling provisions are being used.
Benefits (Core information)
Changes to the use of levy funds will likely create some distributional impacts as levy funds allocated to TAs will be used to support a broader range of environmental outcomes, rather than exclusively waste minimisation outcomes as per the status quo. There will also be benefits to smaller population TAs, who will receive a larger amount of levy funds on an ongoing basis. Benefits will accrue to those groups/organisations that are directly impacted (i.e., funded entities) as well as to local communities that may be indirectly impacted.[3] Regulated parties that are compliant with existing requirements will see enhanced mechanisms to ensure there is a fair and level 'playing field' across the market. This should improve competition as improved compliance tools will help ensure that non-compliant operators are not able to 'undercut' competitors through improper behaviour. Also, there will be a reduced risk of levy avoidance as a result of the improved CME framework, which will ultimately support the integrity of the levy funding and its allocation to a broader range of environmental outcomes. Local communities are expected to experience a reduction in littering and dumping in their communities because of improved powers to address mismanaged waste, littering and dumping. There will also be appropriate penalties for those responsible for littering and mismanaging waste, scaled to be proportionate to the offence, which will help support confidence in the wider waste management system.
Balance of benefits and costs (Core information)
Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs? Based on available information, the benefits of the Minister's preferred options are likely to outweigh the costs. We consider the legislative proposals have the potential to increase waste minimisation and reduce non-compliance through a broader range of tools to address offending which in turn will reduce clean-up costs and enable fit-for-purpose legislation. Additionally, due to the increase in levy and wider remit that TAs can spend on, there may be other environmental benefits.
Implementation
How will the proposal be implemented, who will implement it, and what are the risks? The Ministry will be the administrator of the waste legislation. The proposals will be implemented through primary legislation by the Ministry, TAs and other public authorities

[3] For example, this could be proximity to contaminated sites that are remediated, or in relation to improved waste clean-up activities (such as following an emergency event or dumping of waste materials).

(depending on the particular role and responsibility outlined in the legislative provision).[4] Some transitional arrangements will be required.

Feedback following both webinars held in December 2024 and the public consultation held in 2025 TAs have shown support for the changes. As the extended producer responsibility (EPR) framework is an enabling framework, individual schemes will be consulted on and implemented over time.

Risks associated with implementation include reputational risks associated with altering the status quo, this will be managed through communication and consultation and through guidance material as well as operational guidance developed by the Ministry where appropriate.

Limitations and Constraints on Analysis

As policy development has occurred over an extended period, proposals that have been included in an earlier RIS (March 2023) and an interim RIS (April 2025) are included here and have been updated where appropriate. The 2023 RIS covered a range of topic areas and culminated in Cabinet decisions on those policy proposals,[5] but did not proceed to drafting due to a change in priorities and government.

Following briefings and discussions with Minister Simmonds during policy development, some of the earlier proposals developed prior to the 2023 election were not retained and were not included in the 2025 consultation document (for example, proposals that could impose a significant regulatory burden on affected parties). Minor changes and technical refinements to existing legislative provisions were not included in the 2025 consultation document or in this impact analysis such as levy administration and waste bylaw provisions.

This RIS is comprised of proposals including:

- use of levy funds by TAs
- a graduated CME framework
- a framework for EPR and removal of accreditation of voluntary product stewardship
- adjustments to the WAB provisions
- tools for addressing littering and dumping.

The suite of proposals would be contained in new primary legislation and enabling frameworks would be implemented using regulation making powers. As these frameworks will only take effect through regulations if a future government chose to implement the framework, they are not included in this impact analysis.

Analysis is based on the objective of consolidating the WMA and the Litter Act into one piece of legislation.

[4] The litter and dumped waste provisions could be implemented by a broader range of public authorities if they choose to appoint a warranted Officer to use the powers.
[5] CAB-23-MIN-0002, CAB-23-MIN-0004, CAB-23-MIN-0005, CAB-23-MIN-0006.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:

Glenn Wigley
General Manager
Waste and HSNO Policy
Ministry for the Environment
1 August 2025

Quality Assurance Statement	
Reviewing Agency: Ministry for the Environment	**QA rating:** meets the quality assurance criteria
Panel Comment: A quality assurance panel from the Ministry for the Environment, have received the Regulatory Impact Statement (RIS): amendment of waste legislation 2025. 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.	

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. New Zealand generates significant volumes of waste, most of which is disposed of in landfills. We dispose of more municipal waste per capita than Australia and many other Organisation for Economic Co-operation and Development (OECD) countries, and we also recover and recycle less waste.
2. New Zealand currently ranks 28th out of 38 countries in the OECD in terms of being among the most waste-producing nations per capita (where first place produces the least amount of waste).[6]
3. The proportion of waste New Zealand recycles (38 per cent) is about average for OECD countries, but much lower than Australia (63 per cent).[7]
4. New Zealanders send 6.04 million tonnes to landfill a year.[8] This includes waste disposed of in Classes 1, 2, 3 and 4 landfills, but excludes clean fills, and farm dumps.
5. For comparison, South Australia in 2021-22 sent around 466 kilograms of waste to landfill per capita and achieved over 80 per cent diversion from waste disposal,[9] while we disposed of around 615 kilograms of waste in municipal landfills per capita with a 20 per cent diversion rate (FY2023/24).[10]
6. An estimated 40 per cent of waste sent to class 1 landfills is divertible, which results in estimated avoidable disposal costs of $222.8 million in 2022 alone. Wasted food alone is estimated to cost the average New Zealand household between $1,326–1,516 every year.[11]
7. Inefficiencies in our current waste management system cause environmental harm, greenhouse gas emissions, and economic losses. Our current waste system is not sustainable over the long term without continued harm to the environment.
8. The information above poses both economic and environmental challenges and is a matter of substantial public concern. Environmental challenges include inappropriate use and management of plastics; greenhouse gas emissions; impacts of inappropriate disposal including litter; and harm caused by legacy sites.

Legislative context

9. The core CME framework for waste and litter comprises of the Acts, with additional regulations that have been established under the WMA.[12]
10. The broad functions of the Litter Act include: defining who can appoint or, by virtue of their office, be a LCO and Litter Warden, where they can act and what powers they have on public and private land; establishing a statutory provision for promotion of litter control to a named entity currently Keep New Zealand Beautiful; clarifying powers and duties of public authorities and others; assigning penalties to littering offences ranging from infringements

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[6] https://sensoneo.com/global-waste-index/
[7] New Zealand's National Recycling Rate: Options and Estimates | Ministry for the Environment
[8] Waste facilities and disposal | Ministry for the Environment
[9] State of the Environment 2023 | Waste and assuming a population of approximately 1.9 million people (National, state and territory population, December 2024 | Australian Bureau of Statistics)
[10] Waste facilities and disposal | Ministry for the Environment
[11] WasteMINZ, NZIER report_Economic contribution of the waste, resource recovery and contaminated land management sectors.pdf
[12] Including: Waste Minimisation (Information Requirements) Regs 2023; Waste Minimisation (Tyres) Regs 2023; Waste Minimisation (Plastic Shopping Bags) Regs 2018; Waste Minimisation (Microbeads) Regs 2017; Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regs 2009.

through to prosecutions. The last substantial amendment to the Litter Act was in 2006, with no comprehensive review since then.

11. The WMA sets waste-related responsibilities for central and local government, contains enabling provisions for several waste minimisation tools (such as establishing regulated product stewardship schemes), and establishes the framework for the levy.
12. The levy is an economic tool to disincentivise waste being disposed of at landfills and to encourage alternative approaches to producing, using and managing products and materials at the end of their life.
13. Provisions in the WMA establish core levy settings (e.g. purpose of the levy, distribution of levy revenue, use of levy funds) with further details specified in secondary legislation (e.g., regulations to set differential levy rates applied to different classes of landfills).
14. While the WMA does include a range of regulation making powers to support waste minimisation policies and activities, these have had limited use over the past 17 years.[13] To date, their use has been limited to:

- establishing regulations for a product stewardship scheme for tyres (the Tyrewise scheme)
- accrediting voluntary product stewardship schemes
- declaring 6 priority products for product stewardship schemes
- issuing Ministerial Guidelines for the priority product stewardship schemes
- phasing out the distribution of some single-use plastic products (i.e. products containing microbeads, single-use plastic bags, single-use produce bags, straws and other plastic utensils)
- creating record keeping and reporting requirements[14]
- setting levy rates to be applied at different classes of disposal facilities[15].

15. The WMA also allows for enabling powers that have been used. These include:

- accrediting of voluntary product stewardship schemes
- declaring priority products for product stewardship schemes
- issuing Ministerial Guidelines for the priority product stewardship (other than regulations), which have been used for various purposes
- requiring TAs to develop waste management and minimisation plans (and deliver associated waste services)
- levy distribution.

16. There are other legislation that form part of the wider regulatory framework. For example, landfills and waste disposal facilities are also subject to regulation as part of the Emissions Trading Scheme in relation to greenhouse gases generated through the anaerobic breakdown of organic materials in landfills. Additionally, the Resource Management Act

[13] This is reflective of practical limitations of enabling provisions (eg, development of regulated product stewardship schemes) and indicative of a limited appetite by successive governments to use these powers (eg, levy rates remained at $10 per tonne for over 10 years, creating little disincentive to disposal; regulations on waste data reporting have only been recently implemented).

[14] Amendments to data regulations for reporting occurred in 2023. Under the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2023, Disposal facility operators (DFOs) are required to report on activity category information. Under the Waste Minimisation (Information Requirement) Amendment Regulations 2023, Transfer stations are required to report on activity category information, and TAs are required to report on materials collected (kerbside, drop-off or resource recovery) and their use of levy funds.

[15] The Waste Minimisation (Waste Disposal Levy) Amendment Act 2024 is the most recent setting of levy rates for the classes of disposal facilities covering 1 July 2024 until 1 July 2027, which increases the levy for 4 years.

1991 covers a range of landfill operational matters such as requirements for managing discharges to land, air and water.

How is the status quo expected to develop?

17. Experience from working within the existing legislative provisions in the Acts has revealed many limitations in terms of scope of provisions, restrictions with enabling powers, ability to affect desired change in a timely manner, and mechanisms for addressing non-compliance. If the status quo continued through current legislation, it is expected that:

- levy funds would continue to be allocated based on current methodology to both central and local government (50:50 split), with the levy distributed to individual TAs resulting in significant funding disparities between larger and smaller TAs (the latter often have difficulty funding waste minimisation activities, particularly those with seasonal population spikes)
- levy spend parameters would continue to be broad for the central government portion (following amendments in 2024[16]) and narrower for the local government portion (the latter restricted to waste minimisation activities)
- there would be continuation of regulations established under the WMA as listed in footnote 14
- there would continue to be limited mechanisms for addressing non-compliant behaviour
- littering and dumping would not reduce[17]
- costs associated with clean-up of littering and dumping would continue to fall on local councils
- there would be continued development of regulated product stewardship schemes, which would have:
    - lack of oversight and government intervention options if schemes are not performing
    - lack of financial governance, continued inability for schemes to set their own fees and charges (which is currently preventing some sectors from developing schemes),
    - continued multi-step process to declare priority product
- there would be continued accreditation and monitoring of voluntary schemes which represent a cost to Government with limited environmental or economic benefit.
- there would be continuation of existing inefficient and time-consuming processes, such as the Minister setting central government waste investment priorities through Gazette notice.

Previous government decisions, legislation and impact analysis relevant to this problem

18. The previous government had commenced amendments of the Acts, which progressed to confirmed Cabinet policy decisions[18] to inform drafting of a Bill for introduction to the House of Representatives. However, given the change of government in late 2023 this did not progress to the drafting stage.
19. In May 2024, amendments to the WMA through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024 were passed under urgency as part of Budget night legislation.

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[16] Waste Minimisation (Waste Disposal Levy) Amendment Act 2024.
[17] Keep New Zealand Beautiful National Litter Audit | Ministry for the Environment and Waste Assessment 2023 (aucklandcouncil.govt.nz)
[18] Suite of Cabinet papers, minutes and RIS available here: Cabinet papers seeking policy decisions on the content of new waste legislation | Ministry for the Environment

This enabled the central government portion of the levy to be spent on a wider range of environmental activities and, in doing so, enabled savings to the Crown through a broader use of levy funds.[19] Additionally, the amendment included incremental increases to levy rates (scheduled for 2025 to 2027), which will increase levy revenue and create a greater disincentive to waste disposal.

20. Following the WMA amendments to the levy provisions in 2024, the government also required a report back following independent reviews into the performance of government spending/investment funded by the levy (undertaken by Sapere) and the investment decision-making process and back-office functions in the Ministry relating to the levy, with a focus on value for money (undertaken by KPMG).
21. The purpose of these reviews was to ensure that levy investment and administrative activities were (and continue to be) managed effectively and efficiently and deliver value for money. The independent analyses by KPMG and Sapere indicated that the levy is administered and invested efficiently and effectively by the Ministry and is delivering net positive outcomes. The Sapere Report concluded that levy investment delivers a net positive outcome to society (cost-benefit analysis of 1.37) and did not find any evidence that 'crowding out' of private investment has occurred because of investment of the levy.
22. Cabinet published a revised Waste Strategy in March 2025,[20] which replaced the previous Waste Strategy published in 2023. The revised strategy sets out the following outcomes to be achieved:

- a reduction of waste disposal per person
- increasing reuse and recycling of materials and products so that we retain valuable resources in the economy
- minimising emissions and environmental harm from waste and litter
- ensuring resource recovery and disposal facilities are managed to minimise their environmental impacts
- limiting the environmental harm caused by contaminated sites including legacy sites.

23. These outcomes are intended to be achieved through:

- fit-for-purpose legislation that supports: an efficient market for waste management and recycling; optimal investment decisions; and appropriate responsibilities across the supply chain
- cost-effective, outcomes-focused investment of the waste disposal levy in infrastructure, and innovation and local projects
- working with the sector, business, local government and communities to develop and implement practical cost-effective solutions
- where necessary, targeted policy/regulatory measures
- using the waste hierarchy to guide decision-making, enabling resources to be retained in the economy at their highest value where possible.

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[19] The central government portion of levy funds can be used for: activities that reduce environmental harm or increase environmental benefits; some local authority emergency event waste-related costs; the costs related to the Ministry's waste and hazardous substances functions; and duties and projects that provide for the remediation of contaminated sites.

[20] New Zealand waste and resource efficiency strategy (2025) Waste and resource efficiency strategy | Ministry for the Environment

24. In November 2024, Cabinet approved[21] the government's waste and resource efficiency work programme (also referred to the waste and resource efficiency action plan), which includes:

- ensuring fit-for-purpose waste legislation (modernising the Acts)
- investment of the waste disposal levy to support improved waste outcomes
- reducing waste emissions (implementation of actions from ERP 1 and 2)
- continued development of regulated product stewardship schemes as signalled through the Customs (Levies and Other Matters) Amendment Bill, which is amending the WMA to clarify an existing regulation-making power to enable agencies such as the New Zealand Customs Service to collect a product stewardship fee.

25. Collectively, the government's Waste Strategy, waste and resource efficiency work programme, and earlier legislative amendments to the waste levy provisions in 2024 help set the direction and overall objectives for the waste portfolio (including the proposals in scope for this current legislative amendment).
26. Previous impact analysis documents that relate to the current proposals include:

- Regulatory Impact Statement: Proposals to support a transformation in waste management in New Zealand (finalised in March 2023)
- Extended Producer Responsibility, stage 1 cost recovery impact statement (finalised in 2023)
- Supplementary Analysis Report for Waste Minimisation (Waste Disposal Levy) Amendment Bill 2024 (the legislation was enacted in May 2024).[22]

What is the policy problem or opportunity?

27. There are several components to the policy problem. In part, there is an issue of legislative limitation due to restrictions in the Acts to effectively address environmental harm from waste and litter. This issue is coupled with market failure whereby voluntary and market-led mechanisms are not effective in supporting widespread waste management and minimisation outcomes.
28. Use of the Acts over many years has revealed their shortcomings across a range of areas, particularly in relation to ensuring proportionate penalties for offences, managing litter and waste dumping in a range of scenarios, and ensuring levy funding settings are fit-for-purpose. There is an opportunity to improve waste disposal and resource recovery outcomes with a revised legislative framework that overcomes these and other shortcomings.
29. Poor waste management contributes to climate change and pollution, harm to human health and directly affects many ecosystems and species. Landfills containing organic matter (disposal considered the last resort in the waste hierarchy), release methane, a very powerful greenhouse gas linked to climate change.
30. Waste is not only a problem for the environment, but it also represents lost economic opportunities. Waste is a by-product of production and consumption and once produced, costs are incurred to manage it. An alternative, where practical, is to repurpose waste from

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[21] These decisions also involved rescinding previous Cabinet decisions to implement kerbside recycling services and the planned phase-outs of hard-to-recycle and single-use plastics.
[22] Supplementary Analysis Report for 2024 WMA amendment: https://environment.govt.nz/assets/publications/Supplementary-Analysis-Report-Waste-Minimisation-Waste-Disposal-Levy-Amendment-Bill-2024.pdf

one process as input to another through recycling, thereby retaining value within the economy.

31. Waste has economic impacts, including costs associated with clean-up for waste and litter as well as to core waste activities such as collection, treatment and disposal which produced $2,415 million of direct output in 2020 and 7,200 jobs. If all flow on industries and sectors and sector related products are included, this increases to approximately $9.4 billion and approximately 30,500 jobs.
32. Approximately 60 per cent of domestic kerbside waste collection consists of organic material. Food waste costs the average household between $1,326–1,516 every year.[23] Approximately 40 per cent of waste sent to class 1 landfills is divertible. If this was diverted, not only would the disposal cost reduce, but the materials would stay in the economy longer, which would increase material productivity.[24]
33. New Zealand has growing levels of litter.[25] There are several environmental and human health harms associated with litter and waste dumping. For example, plastic can break down into microplastics over time which can contaminate the environment and enter the food chain. Even biodegradable organic waste such as garden waste has the potential to spread invasive plant species and other pest organisms. Some forms of litter and dumped waste can also be hazardous, such as demolition waste containing asbestos.
34. 'Mismanaged waste' is a term being used to describe the waste that does not enter the formal waste management system – such as litter, dumped waste and escaped waste (blown by the wind or carried by water). Mismanaged waste in the environment is a sign that the formal waste management system is not working as intended.
35. The existing legislative framework for CME is very limited and does not equip users with the appropriate tools to address non-compliant behaviour across a range of types of offending. The costs of cleaning up litter and waste dumping fall on councils, public and private landowners, communities, and volunteers.
36. Although the exact figure is unknown, the national annual cost likely amounts to millions of dollars. Auckland Council reportedly cleans up an average of 136 tonnes of illegally dumped waste every month, costing around $2.6 million per year.[26] TAs expressed during targeted stakeholder engagement in 2024 that they needed a better range of tools through the legislation to respond to offending rather than just the costly and time-consuming option of prosecution.
37. In recognition of these and other waste-related costs (such as remediation of contaminated sites and emergency waste clean-ups), and the challenging financial context facing TAs, there is opportunity to expand the use of levy funds for TAs to non-waste related environmental activities to support TAs further. This would build upon changes already made to the central government portion of levy funds through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024.
38. The Acts have limited tools to effectively address these environmental issues. They are outdated and do not adequately address waste-related challenges or provide clarity on roles and responsibilities (particularly for central and local government). There are not appropriate powers to support effective and proportionate CME efforts.

[23] WasteMINZ, NZIER report_Economic contribution of the waste, resource recovery and contaminated land management sectors.pdf
[24] WasteMINZ, NZIER report_Economic contribution of the waste, resource recovery and contaminated land management sectors.pdf
[25] The total number of individual items, the weight and estimated volume of litter nationally all increased per 1000 m^2, since 2019: Keep New Zealand Beautiful National Litter Audit | Ministry for the Environment
[26] Auckland Council waste assessment (2023) Waste Assessment 2023

39. There are various issues and inefficiencies for both industry and government under the current product stewardship provisions. These challenges include but are not limited to: limitations on the financial governance, oversight and intervention options for central government for product stewardship schemes it establishes in regulations; the use of resources required to upkeep a voluntary product stewardship scheme regime through primary legislation is burdensome and unwarranted; the process for statutory declaration of priority products lacks flexibility, and could be adapted toward a wider range of possible outcomes, where a regulated scheme is one solution not the only solution.
40. Sector stakeholders have frequently advocated for more effective use of regulatory provisions across a range of areas (e.g., in relation to EPR schemes, ensuring an even playing field for waste operators, and CME tools to address littering and dumping).

What objectives are sought in relation to the policy problem?

41. The overall objectives sought in relation to the policy problem are as follows:

- minimise and manage waste, through appropriate legislative mechanisms
- minimise greenhouse gas emissions and other environmental harm from waste-related activities
- ensure clear roles and responsibilities are set in legislation
- help to provide financial flexibility to local government and ensure that levy funds are used to support priority outcomes
- enable effective tools and powers to address present and future waste-related issues.

42. The objectives for the legislative amendments are to create modernised, fit-for-purpose legislation that addresses known issues and limitations and enables tools that can address present and future waste-related challenges.
43. These objectives are aligned with the Government's priorities and intentions for waste, as outlined in the Waste Strategy[27].

What consultation has been undertaken?

44. Public consultation on a previous proposal took place in late 2021 to seek feedback to assist the development of proposals for the Waste Strategy and to guide legislative reform. Consultation focused on the Waste Strategy, with the proposed legislative amendments maintained at a high level.
45. This consultation received nearly 2,500 submissions from individuals, the waste sector, businesses, and local government. There was a high level of support for transforming the way we manage waste and the moving towards a 'circular economy' approach (i.e., designing-out waste, keeping valuable resources in use for longer), which was a core theme of the Waste Strategy at the time.
46. Submitters wanted to see more regulatory tools and decisions being made that would deliver outcomes embedded in the upper part of the waste hierarchy (i.e. a greater focus on generating less waste and for waste to be 'designed out' of the system where possible). Note that the package consulted on in 2021 had some similar, but some differing, components to the current proposals.
47. Following public consultation and subsequent advice, Cabinet made policy decisions to guide drafting of the Bill. However, this did not progress due to a change of government.

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[27] Waste and resource efficiency strategy | Ministry for the Environment

48. The current suite of proposals for legislative amendment has been subject to further briefings to the Minister, seeking approval to progress policy development on particular components for amendment. These proposals include a combination of those previously put forward before the 2023 election and several new proposals.
49. For the proposals currently being considered, the Ministry engaged with three key stakeholder groups in December 2024 (the WAB, representatives from WasteMINZ's territorial authorities' officer's forum, and representatives from the Waste and Recycling Industry Forum). Officials outlined the legislative proposals in webinars and sought written feedback following the webinars. The presentation included an outline of the revised Waste Strategy. Although there was no public consultation on the Waste Strategy, the WAB was consulted and provided feedback to the Minister.
50. Proposals that received broad support during this engagement included:

- establishing a modern and more effective CME framework: all stakeholder groups considered that compliance powers within the Acts were not fit-for-purpose, and therefore supported a proportionate, graduated range of CME tools to address offences.
- improved control and enforcement of littering and other types of mismanaged waste: stakeholder groups (in particular, representatives from TAs that are most likely to deal with littering/dumping in their communities) supported amendments to the Litter Act, acknowledging that current powers are outdated and ineffective.

51. There was also broad support for earlier proposals (i.e., those included in the previous 2023 RIS) including: removing the effective exclusion of waste to energy facilities from being subject to the levy; and improved enabling tools for addressing harmful products and materials, particularly through establishing EPR schemes.
52. Proposals that attracted more varied views included:

- widening the use of levy funds for TAs – some stakeholder groups noted the risk that levy funds could be readily consumed by other activities (whether environment-related or broader), while others supported it
- responsibilities of TAs, such as where they may act as market participant while also setting 'rules' through bylaws and/or collecting data from other market participants.

53. Public consultation on the full suite of legislative proposals was held in 2025.[28] This consultation sought public feedback on the proposal to amend the Acts to create a fit-for-purpose, modern waste legislation. The Ministry received 267 submissions from organisations and groups across all regions, from a range of sectors, including local government, businesses, industry bodies, iwi and hapū, registered charities and individuals.
54. The consultation included several proposed amendments including:

- creating a framework for extended producer responsibility to replace the current product stewardship provisions
- 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.

[28] Consultation on the proposed amendments to the waste legislation (2025). Amendments-to-waste-legislation-consultation-document-ME-1887.pdf

55. The consultation excluded some minor/technical policy proposals that are within scope of the waste legislation amendments. Including, changes to bylaw provisions and minor and technical amendments to improve waste levy administration, collection and enforcement.
56. Officials will publish a summary of submissions on the Ministry website (and individual submissions where consent has been provided to publish them) after Cabinet decisions expected in September 2025.
57. Informal consultation has occurred with public authorities who appoint LCOs and use provisions in the Litter Act (e.g. territorial authorities and the Department of Conservation). Informal consultation on the bylaw provisions of the WMA has occurred with two technical specialist groups: the Taituarā Regulatory Bylaw Reference Group and the Bylaw Special Interest Group.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

58. Criteria are linked to overall objectives and are as follows:

- effectiveness in supporting positive environmental outcomes – assessed in terms of supporting improved waste minimisation and related environmental outcomes (such as greenhouse gas emissions reduction); whether the option makes measurable improvements
- efficiency in system implementation and operations – assessed in terms of level of complexity, time and costs to implement and/or operate; administrative burden on regulators and/or regulated parties
- flexibility and adaptability to future needs – assessed in terms of likelihood of being able to provide effective tools and powers to address future waste-related issues (to the extent that these can be anticipated).

59. The Minister has stated a clear preference for increasing fiscal flexibility and a general low regulatory intervention approach, especially when relating to TAs.
60. The criteria are broadly consistent with the approach in the previous 2023 RIS, while also aligned to the direction and priorities of the current Government.
61. The multicriteria analysis will use the symbols in Table 1 to represent qualitative judgement.

Table 1: Key for qualitative judgements:

Symbol	Meaning
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
- -	much worse than doing nothing/the status quo/counterfactual

What scope will options be considered within?

62. Policy development has occurred over an extended timeframe (spanning two governments) with some of the current proposals being consistent with the earlier decisions. Therefore, the overall scope has been shaped to some extent by earlier policy development. Following briefings and discussions with Minister Simmonds, some earlier proposals are not being progressed.
63. Engagement and consultation (as discussed above) has also informed policy development and individual proposals included in the consultation document.
64. Cabinet's decision to amend the Acts is the starting point for the present analysis, which is included as a key component of the Government's waste and resource efficiency work programme. Additionally, the revised Waste Strategy includes 'fit-for-purpose revised waste legislation' as one of the key enablers for achieving the desired outcomes of the Waste Strategy (discussed further in previous sections).

65. Amendments to the waste levy provisions of the WMA in 2024 (progressed under urgency) have also shaped the scope of options being considered in the current proposals (such as opportunities for expanding the use of levy funds). In scoping these options, consideration was also given to the desire for the proposed legislation to progress through all stages to achieve enactment before the 2026 general election.
66. More generally, relevant experience from other countries and jurisdictions provides a useful comparison or benchmark for options identification as there are common approaches to enabling waste minimisation outcomes using a mix of regulatory and market mechanisms. Therefore, non-regulatory options are discussed where relevant for each proposal (e.g. educational tools, investment).
67. The analysis also involves assessment against retaining the status quo in the legislation, which has proven to be largely ineffective.

What options are being considered?

68. Several options are being considered for each issue. The issues being assessed are below:

- creating an enabling framework for EPR schemes (including a beverage CRS, should a decision to implement one be taken in the future)
- making changes to the accreditation of voluntary product stewardship schemes
- improving the levy system through the following changes to waste levy allocation, distribution and use:
    - adjusting the method for allocating funds from the levy to TAs
    - broadening the use of the levy money for TAs to support a broader range of waste and environmental outcomes that applies beyond waste-related activities
- remove the levy exclusion for waste-to-energy technology and facilities
- clarifying the minimum obligations for waste minimisation and improve the regulatory tools to ensure these are delivered
- adjustments to the role of the WAB
- update the CME regime for the waste regulatory system
- consolidating and improving the legislation for littering and other mismanaged waste.

69. The following policy changes have been exempted from RIS requirements by the Ministry for Regulation as they are considered minor in effect:

- levy related matters
    - 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 changes from levy changes

Cost recovery impact statement

70. A cost recovery impact statement (stage 1) has been prepared alongside this regulatory impact statement for cost recovery provisions of the EPR schemes (appendix 1). No cost recovery impact statement was produced for the waste levy proposals, as the proposal are not to set up or modify the cost recovery aspect of the waste levy, but rather to modify the approach to how the levy is allocated and what it can be spent on.

Creating a framework for extended producer responsibility (EPR)

71. This section contains analysis of two options: updating provisions for developing regulated product stewardship schemes; and making changes to the accreditation of voluntary product stewardship schemes. A cost recovery impact statement (stage 1) has been prepared for the EPR provisions (appendix 1).

Background and context

72. 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, and future generations. 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 negative environmental effects.
73. Current examples of EPR are product stewardship schemes and deposit return schemes (such as CRS which have been created internationally). Although the terms 'EPR' and 'product stewardship' are sometimes used interchangeably, they are distinct. EPR emphasises additional responsibilities for producers with industry led schemes. Whereas 'product stewardship' refers to a shared responsibility system where stakeholders work together to reduce waste, reuse materials, and recycle products at the end of their useful life.
74. Internationally, countries are moving away from traditional product stewardship approaches which often include a greater reliance on voluntary approaches and instead implementing EPR.
75. The current WMA provides for voluntary and regulatory product stewardship and requires the Minister to accredit schemes if certain criteria are met.[29] These criteria do not always 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.[30]

Problem definition

76. More effective tools are required to make producers responsible for the products they produce throughout the product's lifecycle.
77. Regulated product stewardship under the WMA commenced in 2020 with the declaration of six priority product groups.[31] As regulations[32] and schemes for these product groups were developed, it became clear that the WMA provisions are not fit-for-purpose for more complex schemes and limit efficient and effective operation of all schemes.
78. The current WMA framework is rigid and lacks the nuance needed to accommodate the wide range of product types and potentially affected industries that could be subject to regulations under a scheme. The current framework requires a scheme to be developed and accredited 'as soon as practicable' for a declared priority product but lacks key enabling powers and the flexibility to effectively establish more complex schemes following the co-design process. Key limitations are in Table 2:

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[29] Section 14 of the Waste Minimisation Act 2008
[30] Section 23 of the Waste Minimisation Act 2008
[31] Tyres, electrical and electronic products (e-waste including batteries), agrichemicals and their containers, refrigerants and other synthetic greenhouse gases, farm plastics and plastic packaging.
[32] Waste Minimisation (Tyres) Regulations 2023

Table 2: Main limitations with WMA product stewardship provisions

Fee setting powers are inflexible and administratively burdensome

- Fees must be set in regulation so they cannot be adjusted easily as market situations change.
- If fees are set too high or low and regulatory processes are too slow to respond, a scheme could generate excessive revenues or become insolvent.
- As well as being inflexible for the scheme, setting fees by regulation has a high regulatory and administrative burden for the Ministry.
- There are limitations to what fees can be spent on (e.g. difficult to cover establishment float, legacy/orphan products, contingency funding).

Limited ability to set performance expectations and rigidity of current accreditation process

- If scheme meets statutory criteria and guidelines, the Minister is required to accredit it.
- This can result in suboptimal scheme structures and scope, along with targets for accredited schemes that are ambiguous or unambitious.

Financial provisions

- Schemes could be dealing with quite large quantities of money (annually ranging from around $15 million for the Farm Plastics scheme to $60 million for Tyrewise and potentially higher again for e-waste or a CRS). It is imperative to make sure there are robust provisions in place to manage fraud risks and have sound financial governance in place.
- During policy development following the 2021 public consultation on Proposed Product Stewardship Regulations for Tyres and Large Batteries, Treasury advised that the Crown should collect the fee for these schemes to reduce financial risks associated with possible fraud. For example, the government collects product stewardship fees for tyres and then transfers the money to the accredited scheme.[33]

Limited responses to poor performance

Once a scheme is accredited, the only remedy for poor performance is to revoke accreditation, which could result in having no scheme manager to deliver services for which fees had already been collected.

Limitations in co-design of schemes

- Some stakeholders may feel that the group leading the co-design process does not adequately reflect or account for their viewpoints, or the final co-design is suboptimal.
- Limited ability for ‘off-ramps’ if co-design process does not generate a suitable design (i.e. stage-gates to change to a different approach).
- The accreditation process is not subject to consultation, resulting in stakeholders feeling excluded from this process.

Process to establish schemes can be slow and costly

- There are several reasons contributing to delays and costs, including Ministry resourcing, lack of data to support scheme design, challenging relationships between stakeholder groups, and poor regulatory framework that has hindered scheme design (and options), and a lack of industry desire to lead/engage with the process.
- Stakeholders expressed support for retaining the statutory process for declaring priority products, despite consultation proposing its removal as a way to signal intent and encourage action/engagement.
- However, the current process of declaring priority products restricts the Minister into a single pathway (product stewardship) rather than encouraging consideration of a range of potential responses that could improve management of identified products.

79. Overall, the current product stewardship scheme model creates fiscal and legal risk to government, as well as financial and reputational risk to the schemes themselves. Some work arounds and alternative processes for managing risk have been developed, but these are suboptimal and inefficient.
80. The WMA also contains provisions for voluntary product stewardship schemes.[34] New Zealand currently has five[35] voluntary accredited product stewardship schemes in place,

33 As outlined in the Cabinet paper *Proposals to Regulate Product Stewardship for Tyres and Update on Large Batteries Stewardship Scheme,* considered by the Cabinet Economic Development Committee on 7 December 2022 [DEV-22-MIN-0302 refers].
34 Section 11 of the Waste Minimisation Act 2008
35 Envirocon, Interfaces ReEntry Programme, PaintWise, Recovering Oil Saves the Environment and the Soft Plastic Recycling Scheme.

and three priority product accredited schemes,[36] one of which is now fully implemented with supporting regulations[37].

81. Voluntary schemes have had mixed success, with limited participation and coverage. Given the limited outcomes, the administrative costs of accrediting and monitoring voluntary schemes are not justified, for either government or the industry participants. Not all producers and importers take part in voluntary schemes, creating an unfair economic advantage, free-rider costs, and a non-level playing field for those who do participate.

Updating provisions for developing regulated product stewardship schemes

Options Analysis

82. An updated provision for developing regulated product stewardship schemes must be effective, efficient and flexible to allow for a range of possible schemes. Note that while there are two primary options presented below, in practical terms there may be multiple variations within the two options that are possible.

Option One – Status Quo

83. While progress has been made, the current WMA does not enable delivery of efficient and effective regulated product stewardship schemes. Both industry and Government have spent time and resources developing work arounds and this will continue until legislative changes are made.[38] This does not mean schemes cannot be implemented. A regulated scheme for tyres is now fully operational, but its development was lengthy and its implementation settings are constrained and suboptimal due to limitations in the current WMA.
84. Schemes developed under the current WMA product stewardship powers[39] will continue to experience the limitations described above which will make scheme implementation increasingly problematic for the declared priority products. The beverage sector has made it clear they will not support a CRS under the current framework due to the lack of ability for industry to set the fees. It will be very difficult to implement a cohesive, national CRS.
85. Fees set in regulations that are inflexible towards changing market circumstances (commodities, energy, transport, etc.) could significantly affect a scheme financially. For some schemes (product types including e-waste, plastics and beverage containers) this risk is higher which may result in these schemes not progressing. Farm plastics and refrigerants are lower risk and more able to be progressed under the current framework, however all schemes, including the regulated tyres scheme, would benefit from a more flexible approach.

Option Two – Changing the current Product Stewardship Provisions to an EPR approach

86. The Ministry has proposed amending the current WMA product stewardship provisions which provide for regulated schemes for priority products, to replace them with a more effective range of tools through introducing an EPR framework. This new framework would enable similar regulated schemes, while offering greater flexibility, devolved responsibilities and improved financial governance and intervention powers for the devolved responsibilities. The framework also provides for more ‘off-ramps’ throughout the process,

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[36] Cool-Safe, Green-farms Product Stewardship Scheme and Tyrewise,

[37] Tyrewise is the only fully operational regulated scheme. Whie regulatory proposals are progressing for the other two priority product accredited schemes, note that accreditation does not pre-determine Cabinet decisions on the enabling regulations to support a scheme.

[38] [Waste Minimisation Act 2008 No 89 (as at 01 July 2024), Public Act – New Zealand Legislation]

[39] Part 2 of the Waste Minimisation Act 2008

providing key stages where Cabinet decisions inform whether proposals progress towards regulations, or to pursue an alternative approach.[40]

87. The proposed EPR framework could include provisions to:

- determine product/s of interest through a non-statutory process[41]
- identify and place obligations on parties (such as importers or producers of goods – known as 'first responsible suppliers')
- identify roles and responsibilities (e.g., for the Minister or Secretary, the regulator, and the producer responsibility organisation (PRO))
- enable scheme charges to be set and adjusted by the PRO. Refundable deposits (where they form a part of the scheme) would be set by government through regulations given the critical role deposit rates play in determining the overall success of the scheme and the potential cost impacts of the refundable deposit amount, relative to scheme fees
- set parameters for how an EPR scheme is established and operates (such as target recycling return rates, input methodologies to help determine scheme charges, and scheme design standards)
- establish an appropriate CME framework
- establish additional powers for the New Zealand Custom Service to allow them to share data with the Ministry and to collect EPR related charges where it is appropriate
- ensure appropriate transparency to assess performance of an EPR scheme and hold parties accountable while also managing commercial sensitivities of information shared through the scheme.

88. Any future EPR schemes would be established through regulations and would require a full assessment of costs and benefits, along with consultation with affected parties. The roles and requirements of the EPR scheme are discussed in Table 3 below.

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[40] Amendments-to-waste-legislation-consultation-document-ME-1887.pdf

[41] The EPR proposal included a new non-statutory process as opposed to the current statutory process for declaring priority products, in which priorities would be identified through other means, such as the Ministry's waste work programme. This option remained the Minister's preferred option post consultation, as it provides the greatest degree of flexibility. A sub-option was provided to the Minister in response to some submitter's feedback supporting a more flexible process, while noting there were also benefits to the status quo. A streamlined statutory process option where priority products could be declared but a specific outcome (such as developing product stewardship scheme) is not required in legislation, which would give some flexibility to determine appropriate responses. This third option was recommended to the Minister for the Environment as a possible alternative towards a more streamlined, yet still statutory process in light of consultation feedback, it was not publicly consulted on or taken forward by the Minister.

Table 3: Roles and requirements for the EPR scheme[42]

Role	Requirement
Minister for the Environment	• Establishment powers • Regulatory parameters for schemes via regulations • Monitoring and intervention
Secretary for the Environment/Ministry for the Environment	• Establishment responsibilities • Setting detailed requirements, including in relation to fees • Registration and approval of regulated products • Monitoring and provision of advice on scheme performance • Ensure effective CME
Producer responsibility organisation	• Establishment • Set, review, and collect scheme charges • Ongoing scheme operation • Reporting and advice
Scheme participants (e.g. producers, manufacturers, importers, retailers etc)	• First responsible suppliers are prohibited from selling their products unless they meet certain obligations • 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)
New Zealand Customs Service	• Provision of information on imports and importers; exports and exporters • Border related collection and enforcement of some EPR schemes (on a case-by-case basis)

89. An EPR framework will help to move the responsibility and costs of end-of-life product management from ratepayers, councils, communities and the environment and shift responsibility to the parties that are responsible for the creation or placement of the products and materials in the supply chain (producers, importers, retailers and consumers).
90. The intent is to establish a new legislative framework that would replace existing provisions in the WMA for developing and accrediting regulated product stewardship schemes, which can be developed through regulations.
91. During the targeted stakeholder engagement all stakeholders supported enhancing provisions for product stewardship as well as emphasising their desire for a CRS. The WAB suggested that an EPR scheme should include an enabling legislation framework for a CRS.
92. The 2025 consultation on the waste legislation proposals resulted in 95 per cent of the 234 submitters that responded supporting the proposed framework.[43] Within those responses 24 per cent were from the business sector and supported the proposal. Comments in support included that it would help reduce waste by making producers responsible for the full lifecycle of their products.

[42] See Appendix 1 of Amendments-to-waste-legislation-consultation-document-ME-1887.pdf for further detail on the consultation proposal for EPR.
[43] Consultation on the waste legislative amendments commenced on 22 April and closed on 1 June 2025.

How do the options compare to the status quo/counterfactual?

	Option One – Status Quo	Option Two – Changing the current Product Stewardship Provisions
Effectiveness in supporting positive environmental outcomes	0	++
Efficiency in system implementation and operations	0	+
Flexibility and adaptability to present and future needs	0	++
Overall assessment	0	++

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

93. Option two is the best option to address the problems described. The improved EPR framework has been designed to overcome the problems identified in Table 2. Reducing or eliminating some of the current barriers within the legislation would make it easier to establish EPR schemes in the future, which will in turn support positive environmental outcomes. The proposed EPR framework provides improved efficiency and flexibility in a number of areas (including changes to fee setting provisions; a more flexible non-statutory process for identifying priorities; use of gazette notices rather than regulation to specify some operational and technical details; and strengthened, graduated options for the Minister to intervene if the scheme is not performing as expected).

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

94. Yes. The Minister's preferred approach is option two.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

95. The Marginal costs and benefits of improving the waste legislation would largely be reflected as benefits, assessed against costs, for any given scheme proposals which are considered on a case-by-case basis. The new EPR framework may have aspects that will require further development, such as a new non-statutory process for identifying priorities, however this is likely to be far less cumbersome as the current process for declarations of priority products and accreditation of schemes.
96. Other costs for a registration portal run by the Ministry are already being met by schemes on a scheme-by-scheme basis, leading to duplication and costs that are ultimately passed on as scheme fees through schemes that require this sort of function. The proposal to either centralise or at the very least, harmonise this function is to avoid duplication of scheme efforts in this area and better enable Ministry oversight of eligibility assessments for producers and importers of regulated products. This is likely to be cost neutral due to efficiencies of scale and reduced IT development costs being duplicated across schemes.
97. Notwithstanding the EPR framework itself is likely to be largely cost neutral, schemes do have cost impacts (assessed on a case-by-case basis through their development process), and these are evaluated in the below table for a generic scenario.

Affected groups (identify)	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Regulated groups	Upfront and ongoing costs of regulated community to set up and maintain PRO	Medium	Medium
Regulators	Any additional resources required to fund the function will be covered by regulated group	Low	High
Others (e.g., wider government, consumers, etc.) For fiscal costs, both increased costs and loss of revenue could be relevant	Consumers may face an increase to the up-front cost when purchasing an item, to cover the management costs at end-of-life. The charge is typically a small percentage of the total product cost (~1%), and/or replaces some other pre-existing cost (to dispose)	Low	High
Total monetised costs		n/a (assessed on a scheme-by scheme basis)	
Non-monetised costs		Medium - low	
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Opportunity for regulated group to advertise environmentally friendly EPR Opportunity to change their products to reduce production costs and end of life liability	High	High
Regulators	Additional funding from the regulated group to cover costs	Low	Medium
Others (eg, wider govt, consumers, etc.)	Appropriate end-of-life stewardship built into initial price, reducing barrier to appropriate reuse, recycling and disposal. There is often a transfer of existing costs from local government, rate payers and taxpayers to producers and consumer of the specific products with the implementation of regulated schemes. This transfer typically delivers significant benefits as	High	High

	savings to rate payers and taxpayers		
Total monetised benefits		n/a (assessed on a scheme-by scheme basis)	
Non-monetised benefits		Medium-low	

Making changes to the accreditation of voluntary product stewardship schemes

Background and context

98. Voluntary product stewardship schemes (refer para 80) include the administrative costs of accrediting and monitoring schemes for both industry and the Government. The process provides a level of confidence for consumers in relation to accredited voluntary schemes. However, the WMA has limited discretion for the Minister, who must accredit schemes which apply and meet the criteria in the WMA, including when the scheme's objectives are unambitious so that it provides only marginal benefits overall (or could achieve the same impact without government accreditation).

Problem definition

99. Voluntary product stewardship scheme provisions in the WMA represent a cost to Government with limited environmental or economic benefit attached to the accreditation.[44]

Option analysis

100. Note that while there are two primary options presented below, in practical terms there may be multiple variations within the two options that are possible. A third option of providing guidance on how to set up and maintain voluntary product stewardship schemes and how to obtain third party accreditation is not assessed, as it does not require legislative change and could be within the scope of either option.

Option One –Retain voluntary product stewardship accreditation (Status Quo)

101. Under this option, new schemes may be developed by product producers, retailers or industries, who can then apply for their scheme to be assessed. If the new scheme meets the criteria, they will be approved for accreditation. Currently, existing accredited schemes could also apply for re-accreditation at the end of their current terms.
102. The process is administered by the Ministry and funded from its baseline. Some cost recovery options are available to cover costs the Ministry may incur in assessing applications for accreditation and monitoring accredited schemes (provided such costs are prescribed in regulation).
103. The Minister is currently required to accredit a voluntary scheme that applies regardless of the significance of the environmental or waste minimisation outcomes if it meets the criteria. Voluntary product stewardship schemes may achieve certain outcomes but arguably do not require government accreditation in order to do so (i.e. do not necessarily require provision in legislation). They may also obtain an independent certification by a third party in addition to government accreditation.
104. While some schemes are effective, from a nationwide standpoint, they are usually limited in some way (see footnote 44 for a range of factors which can limit the success of voluntary schemes). Given these circumstances, the option to remove voluntary scheme

[44] Benefits are limited in part, because voluntary schemes can be: limited in scope by brand participation, subject to free-rider costs from non-participating brands, established by entities that may or may not sufficiently represent the industry, supply chain, or product end of life management systems/costs.

accreditation from the WMA is likely to have minimal impact on the environmental outcomes of existing or future voluntary schemes.

105. Some consider that accreditation under the WMA offers a 'consumer trust' benefit. Such trust may or may not support the effectiveness of the scheme (by encouraging industry, consumers, or any other party to participate), and therefore, may indirectly increase a scheme's environmental impact.

106. However, accrediting voluntary schemes is likely to achieve substantially lower benefits than establishing a scheme in regulation (if warranted), which would directly address challenges with voluntary schemes such as free-riders and low participation.

107. Some of the limits with product stewardship outlined in table 2 apply to both regulated and voluntary schemes. This includes the limited powers to influence accredited schemes (if a scheme is not meeting its objectives, revocation of the accreditation is the only real remedy). While there is provision in the WMA for monitoring of schemes (including voluntary schemes), intervening in this way may limit the potential benefit of allowing for a voluntary approach (i.e. if government intervenes in the voluntary scheme to try and achieve better outcomes, industry may simply withdraw the scheme which is at industries initiative and cost under the voluntary framework).

108. Alternative means for certification provided by the private sector exist. The cost of certification for voluntary schemes would be better borne by the industry that has developed, and benefits from, the certification. Third-party certification options are readily available that do not burden the Crown, or the accredited product stewardship scheme, as they avoid the costs associated with application assessment and ongoing monitoring by the Crown. Further, there are already provisions in other legislation to ensure any environmental claims made by companies are accurate.[45]

Option Two – Remove legislative voluntary product stewardship accreditation

109. This option sees the powers for voluntary accreditation removed from the WMA. All existing voluntary accredited schemes would retain their accredited status, until such time as the accreditation lapses (typically 7 years from receiving accreditation).

110. The voluntary accreditation process is time consuming and there is no mandated requirement for industry participation. Removing these provisions will not prevent existing voluntary schemes from operating nor will it hinder new schemes from being developed by industry.

111. Removing the voluntary accreditation powers and requirements will reduce the administrative burden on both, Government and industry, while not preventing the activities (and associated outcomes) from occurring without it.

112. An independent certification provides for a more nuanced and adaptable approach to the wide range of circumstances from which voluntary schemes may arise. For voluntary schemes, the Ministry considers third party certification to be a more effective and efficient approach.

113. The 2025 consultation on the waste legislation proposals resulted in 69 per cent of the 222 submitters that responded to the question supporting removing voluntary endorsement of product stewardship schemes. [46]

[45] Further information is contained in Environmental Claims Guidelines: a guide for traders. Commerce Commission New Zealand. 2020

[46] Consultation on the waste legislative amendments commenced on 22 April and closed on 1 June 2025.

	Option One – Status Quo	Option Two – Remove legislative option to accredit voluntary product stewardship schemes
Effectiveness in supporting positive environmental outcomes	0	0[47]
Efficiency in system implementation and operations	0	++
Flexibility and adaptability to present and future needs	0	++[48]
Overall assessment	0	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

114. Option 2 will deliver efficiencies to both industry and Government, given that alternative third-party certification pathways exist. The accreditation process for voluntary schemes is administratively burdensome, and the same benefits from voluntary schemes can be achieved without accreditation.

115. Voluntary accreditation under the WMA (option 1) represents a cost to the Crown for application administration and assessment, briefings to Ministers, enquiries, reporting and reviews and requests under the Official Information Act. Under option 2, these costs would not be incurred, or would be met privately, by those responsible for, or otherwise supporting the scheme.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

116. Yes. The Minister's preferred approach is option two.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

117. The marginal costs and benefits of the preferred option have not been quantified. There is no upfront cost to removing a voluntary option from the legislation (option 2); any marginal cost that might be incurred in the future would result if currently accredited voluntary schemes are no longer able to retain accreditation (or any new voluntary schemes that might be developed cannot apply for accreditation). It isn't possible to quantify such a benefit since it largely relates to a perceived value attached to accreditation and could arguably be

[47] The option to develop voluntary schemes exists in any case, and may be supported by third party verification, if sought, thus no additional environmental benefit from either option.

[48] Third party (private sector) verification is better suited to move with (or adapt to) the changing circumstances of voluntary scheme initiatives.

instead achieved through use of a reputable independent third-party certifier. There would be some savings for the Ministry for the Environment associated with staff time to administer voluntary product stewardship provisions, but these are also not quantified as they depend on how many applications are received and how closely applications are assessed and monitored.

Waste disposal levy - Split and use of the increased levy funds

118. This section contains two options analysis – that for the distribution of levy funds to TAs and the use of levy funds by territorial authorities. Given the overlap of the topics, the marginal costs and benefits of the preferred options are provided together.

Background and context

119. The WMA introduced the waste disposal levy (levy) on all waste sent to regulated disposal facilities (landfills). The purpose of the levy is to raise revenue to fund:

- the promotion and achievement of waste minimisation
- activities that reduce environmental harm or increase environmental benefits
- local authorities to manage emergency waste and to ensure the repair or replacement of waste management and minimisation infrastructure damaged by an emergency
- the Ministry to undertake its functions and duties, and exercise its powers, in relation to waste management, minimisation, and hazardous substances
- projects that provide for the remediation of contaminated sites.

120. The levy increases the cost of waste disposal to recognise that disposal imposes costs on the environment, society, and the economy.[49] Under the WMA, the levy can be applied to disposal facilities that either dispose to land or incinerate waste.[50]

121. The Legislation Design and Advisory Committee (LDAC) advised that in general, levies should be imposed only if it is appropriate for a certain group to contribute money for a particular purpose (i.e., there is a relation between the levy being charged and the particular objective). The amount of the levy imposed on a particular group should be commensurate with the degree of connection between the group and the objective or function concerned.[51] Careful consideration of how levy money is allocated, and the scope of the spending is required.

122. Currently, the WMA requires that 50 per cent of the levy is allocated to the central government for waste minimisation and other environmental activities, while 50 per cent of the levy is allocated to territorial authorities (TAs) to spend on waste minimisation activities.[52]

123. Prior to amendments to the waste levy provisions in 2024, the purpose of the levy was to raise revenue for promoting and achieving waste minimisation and to increase the cost of waste disposal to recognise that disposal imposes costs on the environment, society, and the economy.[53]

124. In 2024, amendments were made to the levy provisions of the WMA to enable the central government portion of the levy to be spent on a wider range of environmental activities. The amendment also introduced an annual incremental increase in levy rates from July 2024 to July 2027, which will increase levy revenue.

125. Levy funds are currently distributed between TAs on a population basis, ensuring that areas with a larger population receive a greater share to support waste minimisation. Individual TAs must spend their 50 per cent allocation to promote or achieve waste minimisation and in accordance with their respective WMMPs.[54]

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[49] Section 3 of the Waste Minimisation Act 2008.
[50] But not for the purposes of generating energy through incineration of waste.
[51] Written advice from LDAC, which has cautioned against scenarios where a ‘levy’ effectively functions as a tax.
[52] Section 31 of the Waste Minimisation Act 2008.
[53] This was stated in section 25 of the WMA which was repealed in 2024.
[54] Section 32 of the Waste Minimisation Act 2008

126. Previous analysis contained in the 2023 RIS identified that the best option is to maintain the 50:50 split of levy funds between central and local government. In this case the Minister has provided direction to retain this. As a result, our focus will be on the allocation of the local government portion only.

Problem definition

127. The current approach to the distribution of the levy between TAs is contributing to increasing inequity issues between waste generated from main urban centres and remote areas.

128. Generally, smaller remote areas have higher per capita costs for waste and often have a small population base, spread over greater distances with a low rating base and small levy income. There also tends to be less interest from commercial waste enterprises to invest in more remote areas of the country due to the investment costs and limited economies of scale. Remote or rural TAs therefore face higher transport costs and generate higher carbon emissions to reach processing centres, leaving less funding available to support local waste minimisation and resource recovery initiatives. This situation has resulted in national inconsistency and general under-investment in infrastructure and equipment.

129. There are also increasing equity issues between main centres and smaller or more remote areas. This is particularly pronounced for TAs with a small permanent population but seasonal population spikes, for instance, Auckland Council received approximately $26.64 million in 2023/2024.

130. In contrast, areas known for tourism and subject to seasonal population surges receive considerably less. Queenstown Lakes District Council received approximately $660,000 and Kawerau District Council received approximately $120,000.

131. The distribution (split and allocation) of the levy can be used to address inequalities in the waste system and address cost pressures that local government, Māori, local communities, small businesses, and industry face.

132. The options analysis considered how any local government portion might be allocated to allow TAs to better meet the outcomes set out in the Waste Strategy.[55]

Distribution of levy funds to TAs

Options Analysis

133. The options provided for the distribution of levy funds are presented at a broad level, focusing on the methodology used. Within each option, there is the opportunity for the levy fund to be split at different amounts. These opportunities are discussed within each option.

Option 1 – Status quo

134. The current way the levy is distributed means that there will continue to be significant and disproportionate funding gaps between larger and smaller TAs. This will continue the inequities in waste service provision across the country. Using this allocation methodology, the largest TA, Auckland Council (which received $26.64 million in 2023/24), is expected to receive approximately $47.33 million in 2026/27, while a small TA, such as Waimate District Council (which received around $132,500 in 2021/22), is expected to receive approximately $232,000.

135. While a continuation of the population-based approach to levy distribution would allocate the most money to where the largest populations are impacted from a waste minimisation perspective, over the longer term it will exacerbate the waste equity issues by

[55] Waste and resource efficiency strategy | Ministry for the Environment

further increasing the waste service level gap between larger urban centres and smaller rural townships.

136. Continuing a population-based approach will mean that the allocation for smaller TAs is unlikely to be sufficient to address these existing issues or the service requirements for their proposed core responsibilities. Smaller TAs face higher transportation and delivery costs due to remoteness and reduced economies of scale. Therefore, they are less likely to benefit from private sector investment.

137. The population-based approach does not adequately address concerns around equity and economies of scale and is not well aligned to the proposed principles of the proposed waste legislation.

Option 2 – Allocate the local government portion with a percentage (20 per cent) distributed equally between all TAs, and the remainder (80 per cent) distributed using a population-based calculation

138. Modelling has shown that introducing a flat rate of levy funding allocated to each TA allows for a more equitable approach to levy distribution and enables better opportunities for delivery of waste outcomes to be achieved across the country.

139. Table 4 provides examples of the forecast funding for a range of TAs, from the largest to smallest, with a range of flat rate and population-based allocation combinations. The table also includes the current and potential future population-based only allocation for comparison.

Table 4: Options for flat rate and population-based combinations (based on forecast 2026/27 funding)

Territorial Authority	**Population (2023 census)**	**Actual**	**Forecast levy funds 2026/27**[56]				
		2023-2024 population-based allocation (status quo)	Population-based allocation (status quo)	10% flat rate and 90% population-based allocation	20% flat rate and 80% population-based allocation	30% flat rate and 70% population-based allocation	50% flat rate and 50% population-based allocation
Auckland Council	1,656,486	$26.64m	$45.30m	$40.97m	$36.65m	$32.32m	$23.67m
Christchurch City Council	391,383	$6.26m	$10.70m	$9.84m	$8.97m	$8.10m	$6.37m
Wellington City Council	202,689	$3.44m	$5.54m	$5.19m	$4.84m	$4.49m	$3.79m
Queenstown Lakes District Council	47,808	$0.66m	$1.31m	$1.38m	$1.45m	$1.53m	$1.67m
Southland District Council	31,833	$0.5 m	$0.87m	$0.99m	$1.10m	$1.22m	$1.45m
Buller District Council	10,446	$0.16m	$0.29m	$0.46m	$0.64m	$0.81m	$1.16m
Kawerau District Council	7,539	$0.12m	$0.21m	$0.39m	$0.57m	$0.76m	$1.12m
Chatham Islands Council	612	$0.011m	$0.017m	$0.22m	$0.42m	$0.62m	$1.03m

[56] Based on a forecast of total levy (central and local government portion) of $273,12m, calculated in January 2025. Forecasting levy revenue is complex and uncertain due to multiple factors such as market dynamics, policy impact, and data quality. These figures are estimates only and will likely shift over time.

140. With a lower flat rate percentage, the disparity in funding allocation between very small and very large TAs remains substantial. For smaller TAs, while a 10 per cent flat rate increases the amount of funding received, it does not result in significant funding. These TAs therefore may find it difficult to adequately prioritise their legislated responsibilities.
141. The modelling indicates that increasing the percentage allocated under a flat rate works to reduce the disparity in funding between smaller and larger TAs. However, this does result in a significant increase in funding for some smaller TAs and raises concerns around their ability to effectively spend this money in line with the overarching purpose of the waste legislation.
142. Modelling suggests that a flat rate allocation calculated on a 20 to 50 per cent portion, with the remaining percentage calculated on a population-basis will be the best range to enable better delivery of waste outcomes to be achieved across the country through a more equitable approach to funding.
143. A flat rate at 20 per cent reduces the extremity of levy allocation that currently occurs between very large and very small TAs whilst also recognising the need to allocate funding to support the TA's scale.
144. During the targeted stakeholder engagement all stakeholders supported the 20:80 levy distribution as described in this option. Stakeholders acknowledged that this approach provides a level of equity for smaller TAs enabling them to make meaningful progress on waste minimisation initiatives through increased funding.
145. In the context of the 2025 public consultation, 86 per cent of the 213 submitters that responded supported this proposal, with 21 per cent comprised of TAs.[57] There was also large support for this proposal from the waste and resource recovery sector, with 27 per cent of those in support coming from the sector.
146. Submitters commented that the change would be a fairer way to distribute the levy especially for smaller TAs and those that have seasonal population spikes. However, the larger TAs were concerned that it would result in less levy funds for them compared to the status quo calculation. Some submitters suggested modifying this method to account for seasonal changes in population, due to tourism or student enrolment, but we do not think there is enough reliable data to make these calculations to predict population changes.

Option 3 – Allocate the local government portion with a percentage distributed (30 per cent) based on a flat rate, a percentage available (40 per cent) through a contestable fund, and the remainder distributed using a population-based calculation

147. This option significantly improves central government's ability to oversee and influence use and investment of the waste levy.
148. Including a contestable fund as part of the methodology to distributing TA funding goes some way to addressing the transparency concerns raised by some in the waste industry regarding TA levy spend. It would also allow central government to encourage more collaboration across local government boundaries as well as between industry and local government.
149. A split of approximately a third of levy funds for each rate allows for enough funds in each allocation type to ensure there is a meaningful amount for each TA and enough for a significantly sized contestable fund. The amount allocated to each TA is higher than the 20 per cent proposed in option 2, as this helps provides more certainty over baseline funding to offset the variability of the contestable fund.

[57] Public consultation on the waste legislation amendments was held from 22 April to 1 June 2025.

150. However, this approach may restrict and delay investment at a local level as it creates complexity for long term financial planning for TAs. Having to apply to a contestable fund, where funding is not guaranteed, may impact some TA's ability to set longer term budgets from other funding sources, particularly in relation to operational funding and enter into long term waste service contracts with the private sector. It may also create a situation where core waste services are dependent on a TA succeeding in a contestable fund. At a central level, managing and distributing a significantly larger pool of funding may further compromise the ability for timely delivery.

151. The split of local government funding using this option can be arranged in a number of ways and modelling has suggested that increasing the percentage allocated using a flat rate reduces the inequity between larger and smaller TAs. For each of the options modelled, a significant proportion of the available funding remains in a contestable fund (Table 5).

Table 5: Options for flat rate, contestable fund, and population-based calculation combinations (based on forecast 2026/27 funding)

Territorial Authority	Population (2023 census)	Actual	Forecast levy funds 2026/27 [58]			
		2023-2024 population-based allocation (status quo)	Population-based allocation (status quo)	10% flat rate	30% flat rate	50% flat rate
				70% population based	30% population based	20% population based
				20% contestable fund ($27.31m)	40% contestable fund ($54.62m)	30% contestable fund ($40.97m)
Auckland Council	1,656,486	$26.64m	$45.30m	$31.91m	$14.20m	$10.08m
Christchurch City Council	391,383	$6.26m	$10.70m	$7.70m	$3.82m	$3.16m
Wellington City Council	202,689	$3.44m	$5.54m	$4.08m	$2.27m	$2.13m
Queenstown Lakes District Council	47,808	$0.66m	$1.31m	$1.12m	$1.00m	$1.28m
Southland District Council	31,833	$0.5 m	$0.87m	$0.81m	$0.87m	$1.19m
Buller District Council	10,446	$0.16m	$0.29m	$0.40m	$0.70m	$1.08m
Kawerau District Council	7,539	$0.12m	$0.21m	$0.35m	$0.67m	$1.06m
Chatham Islands Council	612	$0.011m	$0.017m	$0.22m	$0.62m	$1.02m

How do the options compare to the status quo?

	Option One - Status Quo	Option 2 – Allocate local government portion with a percentage (20 per cent) distributed equally between TAs and the	Option 3 – Allocate the local government portion with combination of a flat rate, a

[58] Based on a forecast of total levy (central and local government portion) of $273,12m, calculated in January 2025. Forecasting levy revenue is complex and uncertain due to multiple factors such as market dynamics, policy impact, and data quality. These figures are estimates only and will likely shift over time.

		remainder (80 per cent) distributed using a population-based calculation	**contestable fund, and a population-based calculation**
Effective in supporting waste-related environmental outcomes	0	++ Provides all councils with a baseline funding, to undertake some waste minimisation activity and certainty about funding	++ Provides all councils with a baseline to undertake some waste minimisation activity. Also allows ability to seek additional funds in contestable process (such as for large-scale projects)
Efficiency of implementation and operation	0	0 Will require no additional data to recalculate and redistribute funds. Minor change to MfE processes	-- Would require more central government oversight and may take longer and change MfE processes to distribute funds through competitive process
Flexibility and adaptability	0	+ + Provides councils with the baseline to undertake activity and promotes faster local investment decisions.	- May reduce adaptivity as requires investment funding process
Overall assessment	0	+	-

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

152. We recommend option two as it reduces the funding inequity between larger and smaller TAs whilst recognising the waste complexities that come with large populations. It also ensures TAs have funding to minimise waste and maintain services whilst keeping rates affordable. This does come at a trade off as there will not be a contestable fund available for TAs to bid for large-scale projects as in option 3, but these can be funded through normal TA systems and the current contestable Waste Minimisation Fund.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

153. Yes. The Minister's preferred approach is to option two.

What are the marginal costs and benefits of the preferred options in the Cabinet paper?

154. Given the overlap of the material, the marginal costs and benefits of the three preferred options relating to the levy allocation and use of levy funds by territorial authorities are being considered together at paragraph 188.

Use of levy funds by territorial authorities

Options Analysis

155. The range of options explored take into account several factors: the anticipated increase in levy revenue forecast for the next few years as enabled through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024; a broad range of environmental challenges that TAs are increasingly having to deal with (many of which are exacerbated by the effects of climate change, aging infrastructure and a lack of investment in infrastructure over many decades); and the broader financial context facing TAs and their local communities (increasing debt, rates increases).

156. Work is underway, led by the Department of Internal Affairs, to reset the core obligations of councils (as set out in the Local Government Act 2002) and how these are funded. Any resulting changes, likely over the medium-to long-term, may have a consequential impact on waste management and minimisation responsibilities undertaken by TAs and their use of levy funds that currently support some of these activities. These options are also linked to TAs roles and responsibilities. The options are considered as if the preferred option for TA roles and responsibilities is accepted.

Option One – Use of levy funds is limited to waste minimisation activities in accordance with each TAs WMMP (Status Quo)

157. Currently, the WMA requires that each TA spend levy funds on matters to promote or achieve waste minimisation and are in accordance with its WMMP.[59] Additionally, when considering funding decisions, TAs must consider the effects that the decision may have on any existing waste minimisation services, facilities, and activities.[60]

158. The WMMP is intended to be the guiding document for councils to promote and achieve effective and efficient waste management and minimisation within their districts. The WMA also sets out requirements for what the WMMP should contain as well as the process for developing, reviewing and adopting it. TAs levy spend is also reported to the Ministry and subject to audits.[61]

159. As increases to levy rates are implemented (scheduled increases will continue to 2027),[62] the increased levy revenue will result in significantly more funds available to TAs for waste minimisation purposes.

Option Two – Allow use of levy funds to include wider waste-related activities

160. This option would expand upon option one to include spending levy funds on:

- costs associated with the management of emergency waste and to repair or replace waste management and minimisation infrastructure damaged by an emergency
- remediation of contaminated sites, including vulnerable landfills
- waste-related CME activities.

161. This scope increase reflects some of the expanded scope for the central government portion of the levy, noting that those amendments may also benefit local government. The Contaminated Sites and Vulnerable Landfills fund is available for territorial and regional councils to apply to and the funding for emergency waste is intended to support local authorities with the costs associated with managing waste following a declared emergency event.

162. This option would afford TAs the expanded scope and autonomy to allocate funds to the broader range of waste-related activities. It would also provide TAs with a specific funding source for their CME activities for mismanaged waste. The Litter Act does not provide for a funding mechanism for this local government mandate and TAs currently use general rates to fund CME activities.

163. Option two would have implications for existing reporting mechanisms as these would have to be expanded to match the wider use of the levy. This option would also ideally entail a clear supporting framework to help prioritise funding decisions. This option introduces the risk of an emergency event or a contaminated site remediation project using all the allocated

[59] Section 32 Waste Minimisation Act 2008.
[60] Section 32(2) Waste Minimisation Act 2008.
[61] Section 88 of the Waste Minimisation Act 2008.
[62] Annual incremental increases to the levy to 2027 were introduced through the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024.

levy funds for a particular TA for a given year or for several years (note TAs that receive a relatively lower allocation of levy funds may opt to carry over the funding into the next financial year/s until sufficient funding is secured to implement a large project).

164. Targeted consultation through webinars with the WAB, representatives from WasteMINZ territorial authorities' officer's forum, and representatives from the Waste and Recycling Industry Forum in December 2024 resulted in most written submissions from this group being supportive of option two.

165. While some expressed significant concern that widening the use of levy funds too broadly (as in option three and four) could result in the funding of a variety of low-value activities at the expense of waste and environmental outcomes, other responders suggested that the suite of waste activities could be broader still, to include complementary infrastructure. This approach is consistent with the views of WasteMINZ Territorial Authorities' Officers Forum, which expressed concern at levy decrease for waste activities.[63]

166. It is noted however that this group represents a small percentage of TAs and that we undertook wider public consultation in 2025 which resulted in additional submissions from TAs that did not attend the December webinar.

167. Public consultation held in 2025 showed a range of differing levels of support for the proposal to broaden the scope of the TAs levy spend. [64] Overall, of the 207 submitters that responded 95 per cent of submitters agreed that TAs should spend their levy portion on activities that promote or achieve waste minimisation, in accordance with their individual WMMP's, with 22 per cent of those in support being TAs.

168. Of the 207 submitters that responded 50 per cent of submitters agreed that TAs should be able to spend their levy portion on costs associated with managing emergency waste with 16 per cent of those in support being TAs. Submitters commented that due to the increase in severe weather events, having the levy funds available to assist with the clean-up would be helpful. Those opposed believe that it should be central government's responsibility to help cover the costs incurred for emergency waste management.

169. However, of the 203 submitters that responded 49 per cent of submitters were opposed to the proposal to broaden the scope to provide for the remediation of contaminated sites and vulnerable landfills with six per cent of those opposed being TAs. Those opposed commented that the costs were too significant to be covered by the levy and that private landowners should be responsible for these costs. Those in support of the proposal believed that TAs should have the option to use the funds to remediate the sites. Others were supportive but with a range of caveats such excluding historical sites from eligibility and ensuring that central government assisted with costs as necessary.

170. Of the 203 submitters that responded 77 per cent of submitters agreed that the scope should be broadened to include CME costs related to mismanaged waste with 18 per cent of those in support being TAs. Those in favour commented that TAs would welcome the extra resourcing as funding for CME activities is hard to secure. Members of the community were largely opposed to all the proposed scope of changes to the levy. The only area receiving the majority of support was the broadening the levy to allow for CME costs. Many felt that the levy should be used for the original purpose of waste minimisation.

Option Three – Allow use of levy funds to include wider waste-related activities and a broad range of environmental activities

171. This option further expands upon option two and includes the use of levy funds as described above plus permits levy funds to be used for activities that reduce environmental

[63] [TAO Forum - Waste Disposal Levy Paper - FINAL.pdf]()

[64] Consultation on the waste legislative amendment proposals was held between 22 April and 1 June 2025.

harm or increase environmental benefits. This replicates an amended provision in the WMA that now allows the Secretary to spend the central government portion of the levy on activities that reduce environmental harm or increase environmental benefits.[65] The objective of this 2024 amendment was to enable savings to the Crown, as this provision enabled established environmental activities and initiatives that were previously Crown funded to be funded by levy revenue.

172. Option three could have implications for existing reporting mechanisms. This option would also ideally entail a clear decision-making framework to help prioritise funding decisions.

173. This option introduces a greater degree of fiscal flexibility compared to option two across the 67 individual TAs. There is a risk that other competing environmental activities could be prioritised for levy funds over waste minimisation activities and waste minimisation is inconsistently funded across TAs. 61 per cent of the 205 submitters that responded opposed broadening the scope of levy spend to activities that reduce environmental harm or increase environmental benefits, members of the community making up 17 per cent of those who opposed. Submitters said that the levy spend should be focused on its purpose of waste minimisation.

174. The 34 per cent of submitters that were in support of the proposal believed that TAs should have more flexibility with how they are allowed to allocate their funds. 18 per cent of those who opposed, were TAs and six per cent of those in support, were TAs.

175. Over time, possible detriments of widening the scope of levy spend too broadly would include:

- challenges with oversight and accountability of levy spend[66]
- a decrease in public support for the levy system
- reduced longer term investment in waste minimisation due to uncertainty of funding as demand for use of the levy broadens and increases, including increased political influence in what it is spent on
- unclear implications for any existing consultation and reporting requirements (i.e., legislated requirements for WMMP development and consultation; levy spend reporting requirements as established through regulations).[67]

176. To help mitigate these risks we propose a supporting process such as a decision-making framework to help with prioritising. This would be complemented by associated changes to reporting requirements to ensure transparency in levy spend. Together, these measures will allow for adequate review of the effectiveness of the levy.

Option Four – Allow use of levy funds to include any activities undertaken by TAs

177. This option would effectively remove restrictions on the use of levy funds and permit TAs to allocate this funding to any service or activity it has responsibility for.

178. This option would have significant implications as the levy essentially becomes a general tax and may require changes to related provisions (e.g., function and process for WMMPs, responsibilities of TAs, how and where the levy is collected and who pays for it). It would then be contrary to the purpose of the WMA to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm and provide

[65] Section 30(i)(c)(iv) Waste Minimisation Act 2008.
[66] Note that any decision making that is consistent with the legislation is unlikely to be challenged.
[67] Under the Waste Minimisation (Information Requirement) Amendment Regulations 2023, TAs are required to report on materials collected (kerbside, drop-off or resource recovery).

environmental, social, economic, and cultural benefits.[68] This is because the levy could be spent on any activity undertaken by TAs, which would significantly weaken the use of the levy to encourage waste minimisation. The levy would still provide economic incentives to decrease the disposal of waste and increase waste diversion.

179. The list of possible detriments outlined in option four above would also apply to this option.

How do the options compare to the status quo?

	Option One -Status Quo	**Option Two – Allow use of levy funds to include wider waste-related activities**	**Option Three – Allow use of levy funds to include wider waste-related activities and a broad range of environmental activities**	**Option Four – Allow use of levy funds to include any activities undertaken by TAs**
Effective in supporting waste-related environmental outcomes	0	+ + Allows for levy to be spent on wider range of waste-related outcomes	+ Likely some diminished focus on waste-related outcomes, given broader scope of levy spend	- - Likely significantly diminished focus on waste-related outcomes, given broader scope of levy spend
Efficiency of implementation and operation	0	0 May result in changes to how TAs report on levy spend and WMMP development process; may introduce some additional complexity for managing competing priorities	0 May result in changes to how TAs report on levy spend and WMMP development; may introduce some additional complexity for managing competing priorities	- May result in changes to how TAs report on levy spend and WMMP development process; likely greater complexity for managing competing priorities
Flexibility and adaptability	0	+ + Funds able to support wider range of waste-related outcomes with TAs able to respond to local needs	+ + Funds able to be used for wider range of environmental activities and adaptable to future needs, though some fiscal flexibility may be expense of waste-related outcomes; additional complexity to prioritisation and	+ Funds able to be used for wider range of activities as needed, though the greater fiscal flexibility likely at expense of waste and wider environmental outcomes; additional complexity to prioritisation and

[68] section 3(1) Waste Minimisation Act 2008.

			decision-making processes	decision-making processes
Overall assessment	0	+ +	+ +	- -

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

180. Although options two and three are scored similarly, option three is the preferred approach in the current context as described further below.

181. From a purely waste minimisation and management perspective, the preferred option is option two (allow use of levy funds to include wider waste-related activities) as this strikes the best balance between maintaining support for critical waste-related activities while also expanding this to areas of increasing need. This need includes the remediation of contaminated sites and vulnerable landfills; costs associated with managing an emergency waste event and providing funding for compliance activities to address waste dumping and other mismanaged waste.

182. While option one (status quo) allows all TA levy funds to be allocated towards waste minimisation purposes there are likely to be limits to its effective investment over the long term. Option two would allow TAs to spend their levy funds in a more similar way to central government. Additionally, not allowing TAs to use some funding for the remediation of contaminated sites and emergency waste costs will likely result in the central government portion of levy funds for these purposes being over-subscribed.

183. Option two balances the objectives of ensuring that levy funds are used to support priority waste-related outcomes while also helping to relieve some financial pressure on local government. It is noted that some emergency waste costs can be covered by insurance and the contribution of costs for contaminated site remediation does not override any existing obligations for landowners under other legislation such as under the Resource Management Act 1991.

184. Option three is the preferred option when considering the additional objective of providing financial flexibility to local government (paragraph 41), as it offers a greater degree of flexibility by allowing individual TAs to support a wider range of environmental outcomes with levy funds, which can vary across different districts. As discussed in paragraph 59, the Minister has stated a clear preference for increasing fiscal flexibility through use of levy funds and a general 'high-trust light-touch' approach. Therefore, an assessment of 'adaptability and flexibility' needs to be considered in that broader context – not exclusively in relation to waste-related outcomes. Option three therefore enables a greater degree of choice and flexibility for individual TAs to manage priorities and direct levy funds to activities of greatest need.

185. For option three, the extent to which waste-specific benefits are realised may be variable, given the wider scope for levy spend and the increase in levy revenue from recent changes to levy rates.[69] However, councils would likely still need to meet local expectations to provide waste minimisation services, such as recycling collections (recognising the existence of private collection services that individuals can purchase).

186. Given the scope of change from the status quo, this option (if progressed) may also intersect with other policy development. For example, any changes to legislated responsibilities of local government (as set out in the Local Government Act 2002),

[69] The 2024 amendments to the WMA included incremental increases to levy rates for all classes of disposal facilities from 2025 to 2027, which will generate significantly increased revenue over coming years.

particularly how core and non-core activities can be funded, which includes progressing a potential 'rates cap' for non-core activities.[70] As that policy progresses it will be clearer to what extent it is coherent with the broadened use of levy funds and related processes (e.g. reporting on use of levy funds by TAs, process for developing and implementing each TA's waste minimisation and management plan).

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

187. The Minister's preferred approach is option three, with a variation that removes supporting decision-making frameworks and changes to reporting requirements, in order to decrease additional burden on TAs.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

188. Given the overlap of the material, the marginal costs and benefits of the levy allocation proposal and use of levy funds by territorial authorities' proposal are being considered together.

Affected groups	**Comment**	**Impact**	**Evidence Certainty**
Additional costs of the preferred option compared to taking no action			
Regulated groups	Unlikely to affect regulated groups. Some business may be affected by a possible reduction in waste minimisation activities.	Low	
Regulators	May require a change in MfE processes	Low	
Others (e.g., wider government, consumers, etc.) *For fiscal costs, both increased costs and loss of revenue could be relevant*	Possible reduction in waste minimisation activities, in lieu of other activities (contaminated site remediation; emergency waste costs; other environmental activities)	Low-medium	Low
Total monetised costs		n/a	
Non-monetised costs		Low-medium	
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Some businesses may be positively affected by the increase in TA support for other environmental activities in leu of waste minimisation.	Low	
Regulators	Increase in funding to support TA regulatory functions	Medium	Medium

[70] Minister for Local Government's proposals for reform: Government getting local government back to basics | Beehive.govt.nz.

Others (e.g., wider government, consumers, etc.)	Local Government and local communities – increased ability to support activities that may otherwise be part-funded via rates	Medium	Medium
Total monetised benefits*		n/a	
Non-monetised benefits		Medium	

**Note: levy revenue forecasts can estimate monetised benefits (ie, levy funds allocated to TAs over a given period), however, it is not possible to separate this scenario (where funds can be spent on wider range of activities) from status quo scenario (where these funds can be spent on waste minimisation activities only).*

Removal of the exclusion of waste-to-energy facilities from the waste levy (enabling provision)

189. This section contains one options analysis – that for the removal of the exclusion of waste-to-energy facilities from the waste levy.

Background and context

190. The waste levy is used to raise revenue for promoting and achieving waste minimisation and to increase the cost of waste disposal to recognise that disposal imposes costs on the environment, society, and the economy.[71]

191. The levy acts as a disincentive to the disposal of waste to landfills or incineration and thereby incentivises other activities such as recycling and reuse. The WMA currently enables the levy to be applied to facilities for the final disposal of waste - those at the bottom of the waste hierarchy and therefore least desirable. At present the levy applies to landfills and incineration and excludes all types of waste-to-energy.[72]

192. The Ministry document published in August 2020 entitled *A waste to energy guide for New Zealand*[73] describes two main types of waste-to-energy: thermal and non-thermal. These technologies involve different processes, which create different risks and by-products.

193. Thermal conversion is the most common globally. It usually involves some form of combustion, ranging from incineration to more advanced methods such as pyrolysis and gasification.

194. Non-thermal technologies include anaerobic digestion, landfill gas capture and hydrolysis. Some of the residues produced in the process can be a useful by-product, such as biochar (a by-product of the biogenic pyrolysis process) which can be used as a soil additive, other residues must be disposed of.

195. Arguments against waste-to-energy, particularly thermal technologies, include that it can: produce toxic waste, air pollution, contribute to climate change and destroy useful materials, that it relies on continued waste generation, it undermines efforts to increase recycling and other more sustainable waste management.

196. Arguments in favour of waste-to-energy technologies include that it is better than incinerating waste and that it can significantly reduce waste going to landfills. They also suggest that efforts to increase recycling and other more sustainable waste management practices can co-exist alongside waste-to-energy means.

Problem definition

197. The blanket exclusion of waste-to-energy from incurring the levy under the WMA means that there is an inequitable application of the levy to different forms of final disposal. It makes it difficult to distinguish between desirable and undesirable forms of waste-to-energy technology and facilities. It may be creating an unintentional incentive for harmful waste practices or may be disincentivising the reduction of waste by leaving open lower-cost alternatives to landfill with a range of associated negative impacts.

Removal of the exclusion of waste-to-energy facilities from the waste levy

Options Analysis

198. The proposal is to remove the current blanket exclusion of waste-to-energy from the levy in the waste legislation. It will consist of an enabling provision in the legislation and is

[71] Section 25 of the Waste Minimisation Act 2008.
[72] Section 26 of the Waste Minimisation Act 2008.
[73] Available at https://environment.govt.nz/assets/Publications/Files/waste-to-energy-guide-for-new-zealand.pdf

intended to allow decision makers to distinguish between desirable and undesirable forms of waste-to-energy. The distinctions between desirable and undesirable forms of waste to energy will be detailed in regulations. It does not necessarily preclude the removal of the levy in cases where the technology presents no risk to the environment. For this reason, only two options were selected. An alternative option to prescribe the amount of levy for waste-to-energy in the WMA instead rather than regulations was discarded as the current levy is already prescribed in regulations.

Option 1 – Status quo

199. All forms of waste-to-energy remain excluded from levy payment under the waste legislation. This would prevent decision makers being able to distinguish between desirable and undesirable forms of waste to energy now and in the future. This option would not contribute to moving New Zealand's waste practices up the waste hierarchy,[74] nor would it minimise the amount of material that ends up needing to be dealt with at the bottom of the hierarchy. It gives waste-to-energy facilities a financial advantage compared to other methods of final disposal (i.e., landfills) that would be subject the levy.

Option 2 – Remove the blanket exclusion of waste-to-energy from the waste levy

200. This option would amend current provisions that relate to imposing the levy and would enable the government to set a levy on waste-to-energy facilities, if it chose to do so. This would require establishing regulations using the existing provisions that allow a levy to applied to disposal facilities based on various characteristics of the site/facility. This option would allow future governments to distinguish between desirable and undesirable forms of waste-to-energy technology and facilities, which is important given the broad range of facilities that could be categorised as waste-to-energy.

201. The approach would be developed further through work on bioeconomy and energy policy, but broadly would differentiate between:

- proposals with clean renewable biomass as a feedstock, which have emissions reduction potential and fewer harmful by-products
- proposals based on single waste streams like tyres, treated timber or plastics, which need to be considered on a case-by-case basis
- pyrolysis and gasification of municipal solid waste.

202. During the targeted stakeholder engagement all stakeholder groups were in support of the proposal.

203. This option was included in the 2025 public consultation with 70 per cent of the 212 submitters that responded supporting the proposal. Submitters commented that removing the exclusion promotes fairness within the waste system. Of those in support of the proposal 21 per cent were from an environmental NGO, charity or trust totalling 46 submitters from this demographic. However, 19 per cent were opposed to the proposal, with some suggesting that the exclusion should be on a case-by-case basis to ensure that facilities that are helping with waste minimisation are not disadvantaged.

[74] The waste hierarchy is shown in the Waste Strategy: [Waste and resource efficiency strategy | Ministry for the Environment]

How do the options compare to the status quo?

	Option One – Status Quo	Option Two – Remove the exclusion of waste-to-energy from the waste levy
Effectiveness in supporting positive environmental outcomes	0	+ Allows for all types of waste disposal to be included in the levy, thus closing a loophole
Efficiency in system implementation and operations	0	+ Removing a blanket exclusion makes the system easier to implement as exclusions are not considered
Flexibility and adaptability to present and future needs	0	+ Allows for different types of waste to energy plants to be included/excluded as necessary
Overall assessment	0	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

204. We recommend option two as it enables consideration of desirable and undesirable forms of waste-to-energy technology and removes the current distinction between disposal methods for application of the levy. This approach offers more flexibility and is also fairer than the status quo, which gives waste-to-energy an economic advantage.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

205. Yes. The Minister's preferred approach is to option two.

What are the marginal costs and benefits of the changes to the levy?

Affected groups	**Comment.**	**Impact**	**Evidence Certainty.**
Additional costs of the preferred option compared to taking no action			
Regulated groups	Will incur the levy if the waste-to-energy project does not help the move up the waste hierarchy – the purpose is to disincentivise this activity until technology improves	Low	High
Regulators	No net cost issues associated with this option as it is aimed at incentivising alternatives to waste; to help achieve the broad goal of disincentivising disposal and encouraging movement up the waste hierarchy	Low	High

Others (e.g., wider government, consumers, etc.) *For fiscal costs, both increased costs and loss of revenue could be relevant*	No cost to consumers; regulator will collect the levy from any facilities and operators engaged in waste-to-energy	Low- medium	High
Total monetised costs	Not available		
Non-monetised costs		Low- medium	High
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Regulated groups expected to benefit from increased clarity and certainty - all regulated groups will be subject to a levy and treated the same	Medium	
Regulators	Allows regulator to examine new technology without having to change primary legislation if the technology proves to be a viable option that contributes to the move up the waste hierarchy	Medium	
Others (e.g., wider government, consumers, etc.)	Will encourage development / use of best technologies that provide low risk to the environment. Removes any possible incentive for harmful waste practices or possibility for disincentivising the reduction of waste	-	
Total monetised benefits			
Non-monetised benefits		Medium	

Clarifying roles and responsibilities of territorial authorities in the waste legislation

206. This section contains one options analysis – that to clarify the roles and responsibilities of territorial authorities in the waste legislation

Background and context

207. There is a lack of clarity on roles and responsibilities for TAs. For example, current WMA provisions relating to TAs[75] are not comprehensive and can lead to significant variations in how statutory responsibilities are carried out, with TAs having considerable discretion about the extent of their involvement. Furthermore, TAs can only currently spend levy funds on matters to promote or achieve waste minimisation and on aspects that are in accordance with its WMMP.[76]

208. There are limited mechanisms for specifying what standards or performance TAs (and others where relevant) must adhere to in the delivery of waste and resource recovery services. The Ministry used the WMA provisions relating to WMMPs to implement national standardised kerbside collections. However, they were limited in scope, required lengthy processes to implement and lacked suitable compliance provisions.

Problem definition

209. There is a need to adjust, clarify and strengthen some local waste functions in the waste legislation amendment to make it clear where there are any activities that TAs must undertake. These changes should consider the reality of local capabilities and the challenges to creating consistent, equitable, effective and affordable services across the country.

210. Resourcing and capability are key reasons why some TAs are unable to effectively deliver on their waste functions. This variation across TAs leads to inconsistent outcomes and inequity for residents of smaller districts. Some of the proposed changes to the waste levy may change resourcing and allow smaller councils to deliver more.

Clarifying roles and responsibilities of territorial authorities in the waste legislation

Options Analysis

211. While the basic powers that enable TAs to determine the extent of their waste activities will not change, options considered include their core roles that will help with implementation of their responsibilities under the waste legislation. There are three options considered for the distribution and allocation of TAs' waste functions.

Option 1 – Status quo

212. TAs are responsible for the promotion of waste management and minimisation of all waste within their district.

213. They must adopt a WMMP, which must have regard to the national Waste Strategy. Minor amendments to a WMMP can be made based on the TA's significance and engagement policy, which allows for minor 'out-of-cycle' refinements to a plan. Any substantial proposed changes require local consultation.

214. Currently, under the WMA:

- the Minister may set performance standards for the implementation of one or more WMMPs[77]

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[75] Part 4 of the Waste Minimisation Act 2008
[76] Section 32 Waste Minimisation Act 2008.
[77] Section 49 of the Waste Minimisation Act 2008

- the Minister may require a TA to amend its WMMP[78]
- the Secretary must retain levy payments to a TA 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.[79] This power is a compliance power to compel TAs to adopt or review a WMMP.

215. How this is delivered and the focus of delivery - whether limited to domestic (residential) waste or extended to include commercial waste is the individual TA's decision. Delivery of services can be undertaken directly by councils or indirectly through contractual arrangements with private provider(s).

Option 2 – Targeted changes to clarify TA obligations

216. This option makes targeted changes to the Part 4 of the WMA, which relates to the responsibilities of territorial authorities, to adjust, clarify and strengthen existing powers.

217. This would include specifying minimum obligations of TAs in legislation. Minimum obligations undertaken by TAs would include a requirement to ensure the delivery of household waste and recycling collection services (through kerbside services and other collection methodologies) in their district, which could be delivered directly or by private providers.

218. This would also include the following amendments to WMMP requirements:

- WMMPs must give effect to any national Waste Strategy that is in effect (to strengthen any strategic intent/direction set at the national level; current WMA wording notes TAs "must have regard to" any national Waste Strategy)
- any amendments to a WMMP can be undertaken based on the TAs Significance and Engagement policy (the intention here is to allow minor refinements to be made to the plan 'out-of-cycle', while ensuring other substantial proposed changes would meet the threshold for requiring local consultation in a manner that suits the nature of the change). Currently all changes require consultation.

219. The WMA currently includes the ability for the Minister to set performance standards for the implementation of one or more WMMPs and to require a TA to amend their WMMP under section 49.[80] This option proposes a more specific legislative tool to better direct the provision of waste and resource recovery services at the local level and to establish consequences for non-compliance.

220. This option would include amending section 48 of the WMA to give the Minister the ability to direct TAs via the WMMPs rather than the current ability to only amend, add or omit a provision in their WMMPs.[81] Examples of where this might be beneficial include clearer direction on matters such as coverage of service (e.g. which materials should be collected for recycling), or kerbside sorting and contamination requirements. As a consequence of this change, the Secretary would be provided with a discretionary (rather than the current mandatory) power to retain levy payments to TAs if a WMMP has not been adopted (rather than just those who have not amended their plans).

221. Feedback received from the targeted stakeholder engagement were mixed, the WAB supported the proposal. However, some of the TAs that were consulted wanted more details

[78] Section 48 of the Waste Minimisation Act 2008
[79] Section 33 of the Waste Minimisation Act 2008
[80] Section 49 of the Waste Minimisation Act 2008
[81] Section 48 of the Waste Minimisation Act 2008 enables the Governor-General, by Order in Council made on the recommendation of the Minister, to direct a TA to include, omit, or amend one or more provisions in its waste management and minimisation plan.

on the proposed minimum obligations and division of 'basic' responsibilities before expressing their support.

222. This option was consulted on during the 2025 public consultation, 140 of the 267 submitters responded to this option. 76 per cent of submitters were in support of the option, with 25 per cent of those in support being TAs. Comments on this proposal were largely positive with some offering conditional support so long as TAs received adequate access to funding.

Option 3 – Reduce the responsibility of TAs

223. This option would remove responsibilities from TAs so that they are only responsible for delivering local waste services and related outcomes. The broader range of responsibilities are not included, including the promotion of waste management and reduction. While this will allow TAs to focus on providing services, there may be decreased environmental outcomes if the responsibilities are not taken up by other organisations.

How do the options compare to the status quo?

	Option One – Status Quo	Option Two – Targeted changes to clarify TA obligations	Option Three – Reduce responsibilities of TAs
Effective in supporting waste-related environmental outcomes	0	++ Clarifying obligations will allow TAs to target what they need to do for better environmental outcomes	- Reduced responsibilities may mean that some functions that currently happen do not happen
Efficiency of implementation and operation	0	+ Enables increased accountability between both local and central government as it provides clarity for roles and responsibilities	- Is unclear, would leave gaps in the system
Flexibility and adaptability	0	++ Allows for central government priorities to better filter through to TAs	- Limits flexibility and risks affecting territorial authorities' ability to effectively deliver on their overall Local Government Act roles
Overall assessment	0	++	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

224. We recommend option two as it will mean that TAs will be responsible for the specified core waste responsibilities and ensuring the minimum responsibilities are established. They retain the flexibility to do much more if they choose. Having greater clarity about these core roles will help implementation of the new waste system and will support TAs in delivering better and more consistent local waste outcomes. This option, however, does mean TAs will

have less independence for waste management if their approach is inconsistent with central government direction. However, giving the Secretary discretion to retain levy payments ensures flexibility around applying consequences, if necessary.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

225. The Minister's preferred approach is to option two, without the suggested changes to the performance standards in section 49 of the WMA.

226. Furthermore, the Minister wishes to remove the current requirement for to amend the WMMP before they could receive levy money to spend on the broader parameters identified above.

What are the marginal costs and benefits of the changes?

Affected groups	**Comment**	**Impact**	**Evidence Certainty**
Additional costs of the preferred option compared to taking no action			
Regulated groups	Regulated industries are unlikely to be adversely affected	Low	High
Regulators	May require a change in process for MfE but likely to be minor	Low	High
Others (e.g., wider government, consumers, etc.) *For fiscal costs, both increased costs and loss of revenue could be relevant*	May require more specific activity by TAs if they were not otherwise doing it	Medium	High
Total monetised costs	Not available		
Non-monetised costs		Low- medium	High
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Regulated industries are unlikely to be affected, except where TAs are required to do a specific activity and may call upon waste industry	Low	
Regulators	May require a change in process for MfE but unlikely to be major	Low	
Others (e.g., wider government, consumers, etc.)	Provide greater clarify to TAs to ensure they are doing appropriate activities	Medium	
Total monetised benefits	Not available		
Non-monetised benefits		Medium	

Adjusting the role of the Waste Advisory Board (WAB)

227. This section contains one options analysis – that on the role of the WAB.

Background and context

228. The WAB was established under section 89 of the Waste Minimisation Act 2008 (WMA). The WMA requires between four and eight members and the Board's function is to provide the Minster with independent advice on matters relating to waste minimisation as specified in the WMA.[82]

Problem definition

229. Currently, the WAB can only provide advice to the Minister on the Minister's request based on a narrow set of legislative criteria. This does not allow Ministry staff to request advice from the WAB directly when coordinating advice to the Minister. It also doesn't specify in legislation that the WAB can provide advice to the Minister or Ministry proactively on matters they consider important. Finally, the criteria for the WAB appointments and the process of appointing them is out of date.

Adjusting the role of the Waste Advisory Board (WAB)

Options Analysis

230. There are a range of proposed changes to the role of the WAB that would streamline their work and make the WAB more effective. An additional option which provided the WAB more autonomy was discounted due to the increased cost associated with this approach. Other options were not considered, as the intent of this change was to modernise and improve existing provisions.

Option 1 – Status quo

231. The WAB's current advisory role is limited to providing independent advice to the Minister upon request. The advice given is also limited to specific matters determined in the WMA rather than broad strategic issues.[83] The Terms of Reference for the WAB[84] does allow them to provide advice on a range of more strategic activities, but this is not formalised in legislation. The Ministry does not have the ability to request or receive advice from the WAB, nor can the WAB provide advice proactively to the Ministry or Minister.

Option 2 – Changes to the role of the WAB

232. This option proposes to broaden the role of the WAB in providing advice. This would include broadening their mandate to include strategic and overarching issues, allow the Ministry to request advice from the WAB without a request from the Minister where it is a legislative requirement to consult the WAB or the request for advice is within the scope of the WAB strategic plan and allow the WAB to provide advice to the Minister and Ministry. It would also include removing the constraint that the advice can only be provided upon Ministerial request, which will enable the WAB to provide advice proactively within the scope of their strategic plan.
233. The representation criteria for the WAB in the legislation would also be clarified to ensure broader representation across the wider waste and resource recovery sector and not limited solely to traditional waste industry roles. Finally, there will be minor changes to the

[82] Section 90 of the Waste Minimisation Act 2008.
[83] Section 90(1) of the Waste Minimisation Act 2008.
[84] Required under Section 91 of the Waste Minimisation Act 2008.

WAB provisions in the WMA to update them. This includes removing the requirement to advertise for new members in newspapers as specified in the current legislation.

234. This option was consulted on during the 2025 public consultation, of the 160 submitters that responded to this option 74 per cent of submitters were in support of the WAB providing advice at their discretion. The waste and resource recovery sector also showing support for this proposal with 25 per cent of those in support coming from this sector. Some submitters commenting that it is an opportunity for the WAB to offer guidance proactively in response to relevant waste related issues.

How do the options compare to the status quo?

	Option One – Status Quo	Option Two – Changes to the role of the WAB
Effective in supporting waste-related environmental outcomes	0	+ Allows the WAB to be more proactive to provide advice to the Minister and Ministry – allowing further action on environmental concerns to be taken
Efficiency of implementation and operation	0	+ Advice to be provided to the Minster and/or Ministry will streamline statutory requirements
Flexibility and adaptability	0	+ Increased flexibility in providing advice
Overall assessment	0	+

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

235. We recommend option two as this allows more flexibility to the WAB, Minister and Ministry. If the Ministry can directly request advice from the WAB where it is a legislative requirement to consult the WAB or the request for advice is within the scope of the WAB strategic plan, they can incorporate it into their own advice to the Minster, which will assist in more coherent advice and better decisions.

236. Currently, Ministry officials must write to the Minister to ensure the Minister makes a written request to the WAB for the advice. This is time consuming and administratively burdensome to both the Ministry and Minister.

237. The requirement of the WAB providing advice on strategic and overarching issues will formalise the current practice of the WAB working through a strategic plan.

238. Also, making administrative changes to the WAB appointment process to remove the requirement to advertise in newspapers will ensure that the legislation is fit for purpose and enable officials to advertise in a more effective manner to attract applicants with the requisite skills and knowledge that benefits the WAB.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

239. No. Ministry Officials undertook policy development for option 2 and presented recommendations to the Minister, however the Minister decided to select the status quo option.

240. The Minister has also directed Officials to repeal entirely the requirement to consult with the Minister of Māori Affairs (now known as Minister of Māori Development).

241. The Minister did approve the removal of the requirement to advertise in local newspapers and other minor changes to update the WMA provisions.

What are the marginal costs and benefits of the changes?

242. These changes are mostly administrative changes to the way that the WAB operate. While providing advice over the whole waste system to the Minister, they will not directly affect regulated groups, regulators or others. Therefore, they have all been assessed as low impact.

Affected groups	**Comment**	**Impact**	**Evidence Certainty**
Additional costs of the preferred option compared to taking no action			
Regulated groups		Low	High
Regulators		Low	High
Others (e.g., wider govt, consumers, etc.)		Low	High
Total monetised costs	Not available		
Non-monetised costs		Low	High
Additional benefits of the preferred option compared to taking no action			
Regulated groups		Low	High
Regulators		Low	High
Others (e.g., wider govt, consumers, etc.)		Low	High
Total monetised benefits	Not available		
Non-monetised benefits		Low	High

Tools for compliance monitoring and enforcement (CME)

243. This section contains one options analysis – enhanced tools for compliance monitoring and enforcement.

Background and context

244. Powers to detect offending and ensure compliance with the legislative requirements of the WMA are very limited, which means it is not possible for the regulator (the Ministry) to ensure effective monitoring and compliance across a range of activities and operators. The regulators' function is varied and involves a cross-section of New Zealand society, including overseeing the actions of landfill operators, manufacturers of specified products, retailers and the public.

Problem definition

245. Tools within the WMA to address non-compliance are narrow in scope. For example, offences under the WMA are not proportionate to the level of offending and subsequent environmental harm. The WMA only provides for prosecution as the main means of addressing non-compliance, with a $100,000 maximum fine across all main offences at a central government level[85] and a maximum fine of $20,000 for a breach of a bylaw.[86]

Risks

246. Risks of a disproportionate regulatory response include levy avoidance behaviour (which can potentially reduce levy revenue intake) and improper disposal of waste materials (which can result in environmental harm and associated clean-up costs).
247. There is currently no legislative ability to compel disposal facilities to pay the levy, except with recovery of debt through court proceedings which is time consuming and costly.[87] Without enforcing stronger CME powers, there is no low-cost method to obtain the levy from disposal facilities.
248. With increasing levy rates and other regulatory costs (such as health and safety, emissions, consents, and monitoring) there is also a risk of levy avoidance behaviour for commercial gain (such as through illegitimate disposal of materials) by some operators wanting to be seen as a 'cheaper' service provider, resulting in an unfair commercial advantage. Furthermore, waste operators who follow the rules will see illegitimate operators not being penalised for breaching the rules, given the current lack of enforcement powers. With an increase in waste levy, there is a strong expectation that all operators, including illegitimate ones, will be compelled to pay their share of the levy.

Litter Act CME

249. The Litter Act also has CME limitations that impact the ability of Litter Control Officers (LCOs) from several public authorities from efficiently and effectively preventing, controlling or deterring littering or dumping of waste (as the detection, infringement and prosecution rates are very low) and from recovering the costs of cleaning up mismanaged waste.
250. This is partly due to the Litter Act being introduced in a time when littering was considered unsightly and unhygienic, rather than as a form of pollution that harms wildlife and contaminates soils and waterways. Some of the shortfalls of the Litter Act are listed below:

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[85] Section 65 of the Waste Minimisation Act 2008.
[86] Section 66 of the Waste Minimisation Act 2008.
[87] Section 36 of the Waste Minimisation Act 2008.

- the inability for a LCO to enforce littering penalties due to the difficulty in identifying the offender and the high threshold for evidence of littering
- inability to issue infringements to the owner of the vehicle involved in the littering/dumping of waste. Therefore, even if a LCO can identify the vehicle involved, no further action can be taken unless the driver can also be identified and stopped at the time of the offence
- inadequate provisions for preventing and enforcing litter that spills over or is blown over from private land on to public land or other private land
- the inability to require a person to clean up the littered/dumped waste from public land (the current requirement is too high a threshold to meet) and set a timeframe within which that must occur
- insufficient cost recovery provisions for CME and clean-up
- no ability for seeking compensation if the littering causes environmental harm
- the need for a suite of tools for CME beyond prosecution, including mechanisms for information sharing among regulators.

Tools for compliance monitoring and enforcement (CME)

Options Analysis

251. A CME framework for the WMA must bridge a range of regulatory tools to be effective in minimising waste and controlling mismanaged waste. Part A of the Government Expectations for Good Regulatory Practice[88] contains expectations for the design of regulatory systems. These expectations specify the need for clarity, flexibility and accessibility including the ability of regulated communities to clearly understand their obligations and what sanctions they may face as a result of any wrongdoing.

252. The current Acts compliance provisions do not meet these expectations. A modernised CME framework would have greater powers to detect non-compliance, include a mix of criminal and civil approaches, and provide the ability to use appropriate penalties. This would ensure all regulated parties have clear obligations and understand what enforcement action may be taken.

253. Note that while there are two options presented below, in practical terms there may be multiple variations within the two options that are possible. Other options were not considered, as this change was to modernise and improve existing provisions.

Option One – Retain current legislated compliance framework [Status Quo]

254. As outlined above, existing provisions in the Acts for addressing non-compliance are very limited. Prosecution is the only remedy available, but often prosecution would be a disproportionate response to the level of offending. This means that in cases where non-compliance falls below a prosecution threshold, there is no consequence. Accordingly, there is little incentive for the waste sector or the public to comply with the Acts.

255. Additionally, the status quo entails a broader framework of processes to help regulated parties understand and comply with their obligations (some or all these processes could also be used with option two). This includes:

- onboarding and education to ensure that the sector understand their legislative obligations as the levy has expanded
- monitoring through audits to confirm compliance of facility operators
- intelligence-lead compliance by monitoring trends and identifying areas where sector engagement and education is required

[88] Good regulatory practice | The Treasury New Zealand page 2, April 2017.

- alleged breach notification to the Ministry – reporting of non-compliance and follow up investigations.

256. Balance is required between educational approaches and enforcement tools, which is currently limited to prosecution only. Most investigations and compliance monitoring do not meet the threshold required to pursue prosecution against the offender. For example, the cost of progressing a case for mismanaged waste or litter to Court is prohibitive for territorial authorities, particularly with no effective provisions for cost recovery or compensation for environmental damage.

Option Two – Establish a graduated response compliance model with greater data sharing and reporting requirements

257. This option proposes adopting a graduated response model to provide a range of tools and powers to the regulator[89] for CME (rather than just prosecution) and enabling greater information sharing provisions between regulators for CME purposes. Additionally, this option would include a requirement for the regulator to annually report on CME performance which would enable the assessment of the effectiveness of the CME tools.

258. The graduated response model would recognise different levels of offending and allow for appropriate means of intervening through use of educational approaches, compliance guidance, risk management tools, warnings and directive notices, punitive sanctions, and remediation requirements.

259. Non-compliant behaviour in a waste context can often mean breaching the law in other legislation (such as the Resource Management Act 1991 or the Hazardous Substances and New Organisms Act 1996).

260. The development of information sharing obligations between the regulator, territorial authorities, and other public agencies (other regulators) would ensure there are no gaps in addressing non-compliant behaviours across the whole environmental system. For example, a non-compliant landfill may be breaching land use and discharge rules under the RMA, or an illegal stockpiling operation may also breach resource management and/or workplace safety regulations. Therefore, enabling information-sharing and cooperation between regulators is vital for a coherent regulatory system and appropriate responses to non-compliant behaviour.

261. The purpose of legislated performance reporting is to maintain public confidence in the regulator functions, which are critical to effective deterrence and helping the regulated community and other stakeholders understand how the compliance regime works and what outcomes the processes achieve. Reporting also enables the regulator to assess the effectiveness of CME measures and the rate of compliance and non-compliance. Over the long term, the system will need to demonstrate its performance and ensure robust flows of information and reporting obligations that are essential to a credible and transparent regime.

262. Feedback received during targeted stakeholder engagement was supportive of this option, with all stakeholders considering compliance powers within the Litter Act outdated, weak and no longer fit-for-purpose.

263. This option was included in the 2025 public consultation. 93 per cent of the 164 submitters that responded supported the regulator having greater powers to receive and share data. Those in support of the proposal commented that it would increase transparency and support evidence-based decision making, and enhance compliance, enforcement and policy effectiveness.

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[89] Regulator refers to current regulator under the WMA and any public authority warranted LCOs – currently provided for under the Litter Act.

264. 87 per cent of submitters that responded supported a tiered approach to the compliance tools and sanctions, with members of the community making up 19 per cent of supporters. Many noted that the proposed framework would enable proportional penalties based on the severity of offences ensure consistency across territories.

265. Submitters made suggestions regarding how to improve the proposed tiered approach. These include ensuring adequate resourcing for councils, providing clear guidance on how to apply each tier, and that the penalties should correspond to the level of harm caused.

Option considered and discarded

266. Earlier in the policy development process, officials had also considered the adoption of a 'duty of care' model to support improved responsibility and, ultimately, more effective compliance monitoring and enforcement. This approach was outlined in the previous RIS and the framework based on that used in the United Kingdom.

267. While this approach does have some benefits, it also has inherent complexities. To briefly illustrate, the framework would entail several overarching duties (applicable to specific parties) consisting of a:

- general duty to manage and dispose of waste appropriately
- duty to pass waste to an authorised operator or facility
- duty to recycle properly.

268. Each of these overarching duties would be supported by specific requirements setting out detailed obligations with corresponding offences and penalties. The specific requirements would be in primary legislation and regulations would provide additional detail on exemptions, supporting infringement schedules for lower-level offending and when the obligations will come into force. The duty of care system would also rely on other supporting regulations to establish a national licensing scheme and national environmental standards.

269. Based on further consideration of the duties of care model, including discussions with LDAC (this information was not available at the time of the drafting the 2023 RIS), we concluded that there were other more effective approaches to improving compliance mechanisms.

How do the options compare to the status quo?

	Option One – Status Quo	**Option Two - Establish a graduated compliance model with greater data sharing and reporting requirements**
Effective in supporting waste-related environmental outcomes	0	+ + Greater ability to detect non-compliance, which will help avoid (or address) environmental harm
Efficiency of implementation and operation	0	+ Has some additional complexity that may take time to bed-in; some education of regulated parties may be required; more efficient system in med- to long-term
Flexibility and adaptability over time	0	+ + Permits a tiered graduated response approach; inherently flexible with several tools available to address non-compliance

Overall assessment	0	+ +

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

270. Option two is the preferred approach. A graduated response CME framework would provide greater powers to detect non-compliance, encourage fairness and consistency across the sector and wider waste system, and enable a proportionate response to non-compliance whilst reducing the risk of levy avoidance behaviour and subsequently reduced levy revenue.
271. Option two would provide a wider range of tools within the WMA, for the detection of non-compliance in a manner that is proportionate to the level of offending. The graduated response model would strike the right balance between low level offending (with an educational approach or infringements) to gain compliance, with the highest level of offending continuing to be addressed through prosecution. Given these tools are enabling and graduated, they offer regulators considerable flexibility to assess trade-offs operationally and to tailor their approach accordingly.

Is the Minister's preferred option in the Cabinet paper is the same as the agency's preferred option in the RIS.

272. The Minister's preferred approach is option two, with the exclusion of the requirement for the regulator to report on performance related to CME.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups	**Comment**	**Impact**	**Evidence Certainty**
Additional costs of the preferred option compared to taking no action			
Regulated groups	Nature of the cost or impact related to non-compliant activity	Low-Medium	Medium
Regulators	Likely increased use of compliance tools; guidance and education of regulated parties may be required	Medium	Medium
Others (e.g., wider government, consumers, etc.) *For fiscal costs, both increased costs and loss of revenue could be relevant*	Impact related to any non-compliant activity	Low	
Total monetised costs	Unable to quantify costs; note that compliance activities are currently levy funded (no additional costs to tax- or ratepayers for improved compliance activities.	n/a	
Non-monetised costs		Low-Medium	

Additional benefits of the preferred option compared to taking no action			
Regulated groups	Fair playing field for all; assurance that non-compliant parties are penalised appropriately	Medium	
Regulators	Appropriate tools available to address non-compliant actions and behaviour	High	
Others (eg, wider govt, consumers, etc.)	Increased trust and confidence in waste system; Reduced risk of levy avoidance	High	
Total monetised benefits	Levy avoidance behaviour reduced	Unknown	Unable to quantified
Non-monetised benefits		High	

Tools for addressing littering and dumping

273. This section contains one options analysis – tools for addressing littering and dumping

Background and context

274. Littering and dumping of waste can harm the environment and human health and costs the Crown and communities millions of dollars per year to clean up. There are several environmental and human health harms associated with litter and waste dumping. For example, plastic can break down into microplastics over time which can contaminate the environment and enter the food chain. Even biodegradable organic waste such as garden waste has the potential to spread invasive plant species and other pest organisms. Some littered and dumped waste can also be hazardous, such as demolition waste containing asbestos. Based on available data New Zealand has increasing levels of litter.[90]

275. Littering is currently enforced by a range of public authorities who appoint LCOs (with enforcement powers) or Litter Wardens (with no enforcement powers). In addition, other persons, by virtue of their office, are deemed to have been appointed as LCOs. This includes police constables, warranted Conservation Officers, National Park and Reserves Rangers and Harbour Masters.

276. The costs of cleaning up litter and dumped waste falls on councils, public, private landowners, communities, and volunteers. Although the exact figure is unknown, the national annual cost likely amounts to millions of dollars. Auckland Council reportedly cleans up an average of 136 tonnes of illegally dumped waste every month, costing around $2.6 million per year.[91]

Problem definition

277. Existing provisions in the Litter Act and WMA are ineffective in preventing, controlling or deterring this behaviour. There is a limited range of offences and the threshold for evidence of an offence is very high (as discussed further in this and subsequent sections).

278. Legislative provisions that enable a range of offences to be enforced (from small-scale littering to large-scale dumping, which can also be considered levy avoidance behaviour) would assist in addressing several known issues with current provisions:

- preventing and enforcing litter that spills over or is blown over from private land on to public or other private land (without the owner's permission)
- the inability to require a person to clean up the littered/dumped waste from public land and set a timeframe within which that must occur and seek compensation for clean up costs
- insufficient cost recovery provisions for CME and clean-up
- the inability for a LCO to enforce littering penalties due to the difficulty in identifying the offender and offending (the current requirement in section 14 of the Litter Act is for the LCO to observe a person committing an infringement offence or have reasonable cause to believe such an offence is being or has just been committed by that person)
- lengthy complex process to seek compensation if the littering and dumping causes environmental harm
- limited information sharing among regulators.

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[90] The total number of individual items, the weight and estimated volume of litter nationally all increased per 1000 m^2, since 2019: Keep New Zealand Beautiful National Litter Audit | Ministry for the Environment.

[91] Waste Assessment 2023 (aucklandcouncil.govt.nz)

Tools for addressing littering and dumping

Options Analysis

279. This topic is closely linked to consideration of CME as most of the litter control and management provisions are CME tools. Note that while there are two options presented below, in practical terms there are multiple variations within option two that are possible. A third option to maintain the Litter Act as a distinct piece of legislation, was discarded due to the overlap of these powers with the proposed CME tools and outdated nature of the Litter Act. PCO may decide to retain the Litter Act as standalone legislation and amend the current provisions and add in new provisions, including a new CME framework that duplicates the one detailed above. This will be discussed with PCO at drafting stage.

Option One – Current legislative settings [Status Quo]

280. The Ministry has administered the Litter Act 1979 since 2014 when the legislation was transferred from the Department of Internal Affairs. In the 1970s, litter tended to be framed as unsightly and unhygienic, rather than a form of pollution that harms wildlife and contaminates soils and waterways. This framing of litter is reflected in the design of the Litter Act and the limited tools it provides.

281. The Litter Act was established to make better provision for the abatement and control of litter. It bans littering and dumping in public places and on private land without the owner's consent. The Litter Act enables public authorities the power to appoint LCOs or Litter Wardens and a range of people are deemed to be LCOs by virtue of their office.

282. Some of the key features of the Litter Act include:

- public authorities must provide, maintain and empty suitable litter receptacles at every public place where littering is likely to occur
- where it can be shown that excessive litter is coming from any land or premises, the relevant public authority may require the occupier of the land or premises to provide and maintain litter receptacles as may reasonably be necessary to ensure that the public place may be kept free of litter
- where any occupier fails to comply with any such request, the public authority can provide and install those receptacles and may recover the cost from the occupier as a debt due to the public authority.
- if litter is considered to 'grossly deface or defile an area', the territorial authority may serve a clean-up notice to the occupier of the land
- LCOs may issue infringements where they observe a person committing an infringement offence or have reasonable cause to believe the offence is being or has just been committed
- littering on public land or private land without consent has a fine not exceeding $5,000 or $20,000 for a body corporate. The penalty is higher where the litter is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it (in particular any bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature). In such circumstances a person is liable to a fine of up to $7,500 and a body corporate is liable to a fine of up to $30,000.

Option Two – Create an expanded range of tools for addressing littering

283. This option includes several mechanisms for addressing littering and dumping. A core component is to ensure legislation can be applied to a range of 'mismanaged waste' scenarios (in part through including this in the purpose of the amended waste legislation).

284. The Litter Act provides a very broad definition of litter, which includes waste matter. The WMA defines waste which also encapsulates littering. Therefore, we propose not to carry over the definition of 'litter' and to define the umbrella term 'mismanaged waste' instead. This would entail expanding upon the current narrow characterisation of 'littering' being a minor act with inconsequential environmental impact and to ensure the definition captures waste that has 'leaked' or has the potential to 'leak' (intentionally or not) from the formal waste management system into the environment (air, water and soil).

285. Mismanaged waste could vary by volume, type and harm in the following ways:

- litter (smaller amounts and typically pieces of discarded packaging waste)
- dumped waste (larger volumes, such as construction and demolition (C&D) waste, deliberately discarded out of sight and often avoids the appropriate disposal fee and levy)
- 'escaped' waste or waste that has the potential to escape (typically C&D or packaging waste) that is blown by the wind or carried by water away from one site to elsewhere due to inappropriate management and storage of the waste
- litter and waste that is particularly harmful to humans and the environment such as hazardous waste, syringes, broken glass or invasive weeds/non-native species in dumped green waste

286. The level of harm caused through mismanaged waste could be reflected through tiered penalty provisions (discussed in previous sections).

287. This option would also enable improved data and reporting tools. Current data on litter and dumped waste is inconsistent, and incomplete, with no centralised collation or reporting. It is not possible to determine the total waste disposed of, the level of illegal disposal, and whether existing policy interventions are having the desired effect. Therefore, this option would extend the current WMA's existing data and reporting mechanisms to include littering and dumping activities. Both domestic[92] and international[93] reports have assessed New Zealand's current waste data as inadequate.

288. Additional mechanisms and refinements in this option include:

- use vehicle ownership details for the CME of littering and dumping
- clarify which public authorities can warrant LCOs
- remove the statutory responsibility for one organisation (Keep New Zealand Beautiful) to be the body primarily responsible for the promotion of litter control
- clarify the roles, responsibilities and CME tools for regulators and public authorities who manage and enforce littering and dumping.

289. This option reflects sector feedback over a range of consultations. The Ministry held a series of workshops between April and June 2023 with LCOs from a range of public authorities that helped identify the proposals for consultation. The workshops were attended by the Council or other public authority representatives with the responsibility for litter enforcement. The current Litter Act provisions were presented and attendees invited to share their shortcomings and challenges they face with littering compliance monitoring and enforcement, and their suggestions to improve the Litter Act.

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[92] Parliamentary Commissioner for the Environment (PCE). 2019. *Focusing Aotearoa New Zealand's environmental reporting system*. Wellington: PCE. PCE. 2020. *A review of the funding and prioritisation of environmental research in New Zealand*. Wellington: PCE. Climate Change Commission. 2021. *Ināia tonu nei: a low emissions future for Aotearoa*.

[93] New Zealand's waste data is assessed as being poor or having gaps in the UN Country Profile. OECD Environmental Performance Reviews: New Zealand 2017.

290. All TAs that were involved in targeted stakeholder consultation supported the proposed changes to the Litter Act acknowledging that the current powers are outdated and weak.

291. This option was included in the 2025 public consultation. There was broad support for all the litter proposals, with support ranging from 86 per cent to 96 per cent of those who answered the question.

292. The proposal to limit the definition of public authority had 66 per cent of the 120 submitters that responded were in support however 28 per cent of submitters were unsure.

293. The proposal to remove the assignment of a statutory role (currently Keep New Zealand Beautiful) for the promotion of litter control to any specific agency or organisation was opposed by 12 per cent of the 118 submitters that responded. Those who did not support it were concerned that it would leave a gap in the delivery of this function, or it would increase the burden of TAs.

294. The proposal to change the current mandatory requirement for public authorities to provide waste receptacles received the least support. Only 19 per cent of the 142 submitters that responded were opposed to the proposal. The business sector was among the largest demographic opposed making up six per cent of opposition. However,72 per cent of submitters supported the proposal with members of the community comprising of 16 per cent of those in support. Those opposed expressed that this was a core responsibility of councils and there was concern that the removal of rubbish bins could lead to an increase in littering.

How do the options compare to the status quo?

	Option One – Status Quo	Option Two - Create an expanded range of tools for addressing littering
Effective in supporting waste-related environmental outcomes	0	+ + Improved range of tools expected to reduce littering and mismanaged waste
Efficiency of implementation and operation	0	+ Ability to tackle non-compliant activities with costs falling on non-compliant parties; may require some time to bed-in new powers
Flexibility and adaptability over time	0	+ + Broader range of tools available will overcome limitations of current provisions
Overall assessment	0	+ +

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

295. The preferred option is option two. This provides stronger mechanisms for addressing littering and dumping with a wider scope (different types of mismanaged waste) and ability to detect offences.

296. For the status quo, most councils, and other public authorities (such as the Department of Conservation), report challenges with using the existing legislative provisions, partly

because an infringement can only be issued in a narrow set of circumstances and requires that the LCO has observed someone in the act of littering or dumping (section 14 of Litter Act). As noted earlier, there is also no mechanism for issuing clean up notices (other than via a court prosecution), and ineffective mechanisms for 'escaped' waste, cost recovery for cleanup and no information sharing between LCOs to detect repeat offenders.

297. Option two will provide more tools for LCOs to use and will be better suited to a wider range of circumstances, which can be used to better manage mismanaged waste at an appropriate level for the relevant offending. Given these tools are enabling and graduated, they offer regulators considerable flexibility to assess trade-offs operationally and to tailor their approach accordingly.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

298. Yes. The Minister's preferred approach is option two.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups *(identify)*	**Comment**	**Impact**	**Evidence Certainty**
Additional costs of the preferred option compared to taking no action			
Regulated groups	Low evidence certainty as not possible to estimate how many people might have been deterred from committing a littering offence	High for those that commit an offence. Low for others	Low
Regulators	Ongoing due to prevalence of littering and dumping activities. Limited evidence certainty as actual clean-up and enforcement data not routinely collected, reliant on anecdotal sources May be impacted by increasing levy rate and cost of living (and therefore incentive to mismanage waste).	Medium Range of activities: direct costs for clearance, education, enforcement activities due to increasing levy rate and cost of living (and therefore incentive to mismanage waste).	Low-medium
Others (e.g., wider government, consumers, etc.) *For fiscal costs, both increased costs and loss of revenue could be relevant*		High for those that commit an offence. Low for others	
Total monetised costs		n/a	
Non-monetised costs		Medium	
Additional benefits of the preferred option compared to taking no action			
Regulated groups	Incentivised to prevent mismanaged waste and not commit an offence as	Medium	Medium

	likelihood of detection and infringement higher.		
Regulators	Reduced costs of taking enforcement action to issue an infringement as Court action only a response for the most serious of offences.	Medium	
Others (eg, wider govt, consumers, etc.)	Improved environmental outcomes from reduced mismanaged waste and littering, Increased awareness and understanding of mismanaged waste issues, likely causes and potential prevention measures through improved data collection and reporting	Medium	
Total monetised benefits		n/a	
Non-monetised benefits		Medium-High	

Section 3: Delivering an option

How will the proposal be implemented?

299. Implementation of the new provisions comprises two broad categories:

- The change to the roles and responsibilities of TA's, new CME and litter functions, as well as the waste levy provisions will be enacted through primary legislation
- EPR schemes require regulation and will have enabling provisions included in the new waste legislation. If Cabinet agrees to the proposed policies, regulations for each EPR will be developed under the new waste legislation and the Ministry will work with the Parliamentary Counsel Office (PCO) to draft regulations. This may mean we include transitional provisions in the primary legislation to enable the development of regulations for the EPR framework to take effect.

300. Before recommending regulations, the Minister will consider:

- advice from the WAB
- consultation with those likely to be significantly affected
- assessment of the costs and benefits.[94]

Immediate effect and transitional arrangements – roles and responsibilities, compliance and litter functions, waste levy

301. The exact timing and transition of the amendments that could take effect immediately is yet to be identified. However, it is likely there will be a phased implementation for most changes.

302. In terms of central government roles and responsibilities, the Ministry will have overall system stewardship and policy development responsibilities. The Ministry will also be the administrator and primary regulator for the new waste legislation. The Ministry will undertake CME to:

- determine the extent of compliance
- investigate and determine the nature and extent of any non-compliance
- take appropriate enforcement action.

303. At the local government level, the TAs' role in CME, littering and mismanaged waste will transition to align with central government. While the new waste legislation will not change the basic power that enables TAs to determine their waste activities, it will provide minimum requirements and there will be a phased approach to allow TAs to ensure they can meet requirements.

304. WMMPs are currently reviewed every six years. When these are reviewed, they will incorporate the updated legislative requirements in their next review cycle.

305. The levy is scheduled to increase incrementally each year until 2027. Implementation of any changes to the levy proposed in the waste legislation will take into account these changes when taking effect.

306. Guidance will be provided to those people who are impacted by the changes.

307. There will be a range of measures in this work that will need to be developed further in regulation, such as a waste-to-energy levy framework or expanding reporting to include mismanaged waste. These will take place after the Act is in place.

[94] Section 86 (2) of the Waste Minimisation Act 2008.

Implementing over time - EPR

308. The powers to regulate EPR schemes will be available following the creation of regulations. The products that will be the subject of EPR schemes will be made available well in advance and there will be public consultation.

309. In general, the consultation showed overall support from the public, local government and industry for the EPR proposals for the new waste legislation. However, as the EPR powers are an enabling framework with further detail to come through regulations, there is a possibility there may be opposition from those who may face higher costs to implement the individual EPR schemes.

310. Highlighting the role that diverting waste from landfill can play to prevent further climate change will help mitigate this risk, alongside outlining the advantages for communities to improved access to waste management services. The proposals to broaden the scope of levy funding to particular activities will also assist in mitigating some of these risks.

311. The specifics of implementation will be defined and analysed and a risk management process developed during the regulation making phases of the relevant policy proposal.

How will the proposal be monitored, evaluated, and reviewed?

312. The new arrangements will be supported by continued data obligations that is helping build a better picture of waste material flows. Alongside the expansion of the coverage of the waste disposal levy, the Government has expanded the data reporting requirements for waste management facilities and operators which enables data to be collected from a wider range of facilities.[95]

313. The Ministry has an overall data programme that is utilising this core information and other data sources to gradually generate an overall picture of material flows into and throughout the waste management system.

Evaluation and review

314. TAs are required to report on levy spend.[96] These reports should paint a picture on waste levy funds that have been spent and an assessment of effectiveness, at a local, central government and combined level.

315. The Minister's report on effectiveness of the levy as required under the WMA will remain. This will help establish a baseline to assist with benchmarking and measuring change over time.

316. The EPR framework will allow for EPR schemes to be evaluated and reviewed as part of the regulation making process.

How will the new arrangements be funded?

317. The proposals in this RIS will be funded through core Crown funding, the waste levy and/or cost recovery. Regulations developed to give effect to the EPR framework will be informed by cost-benefit analysis, consultation with affected parties, and consideration of other mechanisms/instruments that may be applicable.

[95] Amendments to data regulations for reporting occurred in 2023. Under the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2023, DFOs are required to report on activity category information. Under the Waste Minimisation (Information Requirement) Amendment Regulations 2023, Transfer stations are required to report on activity category information, and TAs are required to report on materials collected (kerbside, drop-off or resource recovery).

[96] s8A of the Waste Minimisation (Information Requirements) Regulations 2021.

Stage 1 Cost Recovery Impact Statement

Proposal for Cost Recovery Within Extended Producer Responsibility Schemes

The status quo, background context and relevant policy decisions are covered as part of the regulatory impact assessment of the Extended Producer Responsibility (EPR) provisions (paragraphs 71 – 117 of the main text of the regulatory impact statement).

Authority to charge

We are proposing to base the scheme managing agency or producer responsibility organisation (PRO's) authority to charge scheme fees on the charging frameworks set out in the Commodity Levies Act 1990[1] and the National Animal Identification and Tracing Act 2012.[2] We consider that the frameworks reflected in these Acts strike the best balance between enabling an industry-led regime while also maintaining appropriate oversight. The Minister would have intervention powers, and in certain circumstances could require the PRO to replace a scheme charge set by the PRO with a charge specified by the Minister.

The refundable deposit rate (if applicable to the EPR scheme in question) will be provided for in primary legislation, and the rate set in regulations.

Primary legislation will provide an explicit authority for the regulator to recover actual and reasonable costs associated with functions such as product registration and investigations where wrongdoing has been found.

Primary legislation will also provide an explicit authority for the regulator to recover some costs from the PRO (such as compliance, monitoring and enforcement (CME) and performance monitoring costs, and costs incurred by third parties, such as the New Zealand Customs Service (Customs), acting as a charge collection entity where appropriate).

Examples of cost recovery

In line with Treasury and Office of the Auditor-General guidance,[3] the regulator should be able to recover the costs of processing applications in a product registration portal (from either first responsible suppliers or retailers).[4] It is likely that these would be set charges including hourly rates and fixed charges, and will recover the actual and reasonable costs associated with the application processing.

Costs for CME should also be recovered from the PRO. Investigation costs will be a mix of cost-recovery and Crown funding, depending on whether wrong-doing has been substantiated and whether it is feasible to charge. The particulars of the cost recovery scheme would be incorporated into the 'input methodology' tool, which is a proposed provision in the new framework. The PRO would set scheme charges and on-pay a portion to the regulator (the amount of which would be set in the input methodology) as/if required.

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[1] Part 1 of the Commodity Levies Act 1990

[2] Part 2 of the National Animal Identification and Tracing Act 2012

[3] Guidelines for Setting Charges in the Public Sector | The Treasury New Zealand

[4] the portal would be run by the Ministry and the creation of the registration portal would be crown-funded

Flexibility would be required for determining the most sensible way of setting these charges, noting that not all costs would be recoverable (e.g. some staff time may not be directly related to the scheme).

The role of collecting scheme charges may be delegated to a third party, such as Customs, similar to how the NZ Transport Agency Waka Kotahi (NZTA) currently collect some fees for the Tyrewise product stewardship scheme on behalf of the Ministry. If a third party collects the charges, the input methodology issued by the Secretary should permit recovery of costs associated with collection, with funds provided to the third party acting as the charge collection entity.

Policy Rationale: Why a user charge? And what type is most appropriate?

Why is cost recovery appropriate?

The underlying premise of EPR is a 'producer pays' approach, whereby the cost to suitably manage the product at its end-of-life is shifted from the government and councils (tax and rate payers) and the environment to the responsible supply chain.

In applying the Treasury and Office of the Auditor General guidelines, we consider that it is more likely that the focus on who should pay for EPR schemes are more likely be on those who 'exacerbate risk' and creates waste, rather than those who receive a benefit. The Ministry's starting point is 'polluter/producer pays'.

What type of charge is being proposed and what is the nature of output from the activity (private/public/club goods)?

There are two main types of cost recovery charges relevant to EPR:

1. The *scheme charges* to cover the cost of operating the scheme; and
2. The funding of *government agency activity* (e.g., CME activities including collecting data and monitoring, and maintaining a product registration portal).

Funding the producer responsibility organisation 'PRO'

In line with the polluter/producer pays principle, we consider it is appropriate that costs of operating the scheme are covered by participants in the scheme in the following way:

- the PRO will be empowered to set and collect scheme charges, which 'first responsible suppliers' of regulated products must pay. The Secretary could set scheme charges, but the preference would be for the PRO to
- the Secretary will provide the PRO with requirements on how they will set the scheme charges, including specific cost-recovery components, such as costs associated with collecting scheme charges or costs the Ministry anticipates it will incur for scheme monitoring and compliance. The Secretary can also set cost caps for specific

components of the scheme charges. The mechanism for these 'guardrails' is the proposed input methodologies[5]

- where relevant, the PRO will pay the Ministry for costs incurred or likely to be incurred in monitoring scheme performance and scheme compliance
- where the regulations name a third-party (or parties) as a charge collection entity,[6] the PRO will pay the named charge collection entity (or entities) the costs associated with collecting scheme charges.[7]

Funding arrangements for each EPR scheme will vary on a case-by-case basis. For example, for a scheme with a refundable deposit included:

- the deposit refund 'amount' would be set in regulations by Government[8]
- charges would be set by the PRO and notified through a Gazette notice; as outlined above, the PRO would be required to set scheme charges consistently with any relevant input methodologies issued by the Secretary
- we anticipate the funding needs of a scheme would be generated through the scheme charge mechanism, as well as through any unclaimed deposit refunds (which, in the case this consumer incentive to participate is included, effectively represents illegally dumped (littered) or landfilled products).[9] These mechanisms enable costs to be split between producers, proportional to their share of products in the scheme (by count, weight and other relevant measures). This is particularly the case where scheme charges are subject to modulation (ie, fees are varied based on factors that influence the PRO's costs, such as what value the base material a product is made from, as a recycled commodity; or where the associated costs to process a product and/or dispose of it safely vary significantly)
- we are proposing to use the framework in the Commodity Levies Act 1990[10] and the National Animal Identification and Tracing Act 2012[11] as the starting point for ensuring effective governance and oversight and ensuring the PRO spends scheme charges appropriately, in line with the purposes for which they have been set.

Depending on the EPR scheme at hand, it could be difficult to identify the cost of running the scheme for each individual participant and charging them accordingly. We therefore propose

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[5] There is precedent for this type of intervention power and it is proposed to be broadly modelled on the Water Services Economic Efficiency and Consumer Protection Act 2023 Subpart 3 – input methodologies, adapted for EPR.

[6] For example, NZTA currently collect Tyrewise scheme fees at first road-registration for tyres imported attached to motor vehicles.

[7] Naming a third-party charge collection entity (eg, NZTA or Customs) in regulation would be determined on a scheme-by-scheme basis, in consultation with the responsible Minister, and subject to practicability and efficiency considerations.

[8] The refundable deposit amount is usually a larger amount than a scheme's operational charges as a cost per unit of product managed by the scheme. This difference can significantly increase the financial impact of a scheme on a market. The Ministry considers the matter of a deposit amount is best considered as a Ministerial responsibility, and not at the discretion of the PRO (the PRO would be consulted along with other affected parties and interested stakeholders).

[9] The scheme charges would provide for the overall establishment and operations of the scheme, including (but not limited to) administration costs of the PRO (operational and capital expenditure), including recycling costs (shipping, processing and consolidation, etc), and marketing and communications costs.

[10] Part 1 of the Commodity Levies Act 1990.

[11] Part 2 of the National Animal Identification and Tracing Act 2012.

that costs be recovered from all participants (ie, as a club[12]) through the scheme charges based on product units, after accounting for revenue from unclaimed refundable deposits (where relevant) and/or other forms of scheme revenue.[13]

It is proposed that the scheme costs will be recovered in full, from the club of 'first responsible suppliers' (ie, producers and importers) involved in the scheme. First responsible suppliers will likely pass on some or all the scheme charges through the supply chain to consumers. We expect the PRO will manage the scheme's funding in accordance with the Office of the Auditor-General's guidance.[14] Compliance with this guidance would form part of the Ministry's performance monitoring.

Funding a scheme's performance monitoring

The Ministry supports the approach to allow cost recover from scheme participants (persons, groups or organisations) where it is administratively efficient to do so as part of the scheme (which is currently provided for in sections 20 to 22 of the WMA).

Funding regulatory activity

The Ministry supports the approach to cost recover from scheme participants (persons, groups or organisations) where it is administratively efficient to do so, and where costs incurred were because of the participants' actions can justifiably be allocated. This includes:

- registration for participation in the scheme (either in relation to products subject to regulation or for another role such as part of a return network), and for recognition of products
- undertaking investigations and taking non-prosecutorial enforcement action
- compliance and monitoring activities.

Where it is administratively feasible to recover the costs of individual investigations from those being investigated, we propose that this occurs. We consider that directly recovering these costs will enable them to be internalised within the participants' decision-making process and will help to deter non-compliance.

The starting point for compliance monitoring is that all scheme participants are equally likely to be monitored. We also note that the more compliant scheme participants are, the less intrusive and expensive the regulator's monitoring approach is likely to be (ie, less need for audits and inspections). Hence, participants have some degree of influence over costs and facing these costs will send price signals to support improved compliance.

We do not consider that it is equitable for the regulator to charge individual participants for the costs it incurs, for example, the costs associated with data collection and analysis to support a risk-based monitoring approach. Costs that can justifiably be attributed to

[12] A 'club' referred to in this document is the organisation/group that is being regulated.

[13] For example, the current voluntary product stewardship scheme for refrigerant gases receives New Zealand Units (NZUs) from the New Zealand Emissions Trading Scheme (ETS) for the destruction of refrigerant gases.

[14] Setting and administering fees and levies for cost recovery: Good practice guide — Office of the Auditor-General New Zealand

monitoring will be recovered from the PRO, who can subsequently recover these costs from participants as a club through scheme charges.

We note that in instances where no wrongdoing is found, it is inequitable to charge these costs.

While investigation costs are often recovered through prosecutions, we note that the regulator will have several non-prosecution tools it may utilise to gain compliance following an investigation. As such, we do not consider relying on recovering costs through prosecutions alone to be necessary or appropriate.

As is usual practice, should the regulator undertake a prosecution we consider it appropriate to seek costs as part of that process. In keeping with cost recovery practice, costs associated with understanding whether its policy interventions are working may be Crown funded. However, there will be an option for performance monitoring to be cost recoverable if appropriate.

Where costs cannot be justifiably attributed to an individual or participants as a group, these costs will be Crown-funded. For example, annual or sick leave, time spent on training, fulfilment of general agency duties such as attendance at agency meetings.

High level cost recovery model (the level of the proposed charge and its cost components)

High level cost recovery model - example

A high-level outline of the functions and proposed funding mechanisms for those functions is outlined in table 1 below. Please note this is an example of the sort of cost recovery model we would expect for a generic EPR scheme, with the option of a refundable deposit included. The final regulatory settings of each scheme usually reflect the scheme's co-design, public consultation process and ultimately, Cabinet's decisions which are taken on a scheme-by-scheme case basis. An individual scheme may vary from the generic model below, and this detail would be likely be provided through a CRIS, specific to the scheme.

Table 1: High level outline of EPR scheme functions and proposed funding mechanism (generalised example, includes refundable deposit scenario)

Scheme function/ activity	Party responsible for the function	Proposed funding mechanism	Justification of funding mechanism	Cost recovery/charge method	Justification of charge/recovery method
Scheme regulatory establishment, implementation and on-going support of scheme	Ministry	Crown-funded	Government decision to undertake this activity, cost recovery from PRO or club not appropriate.	N/A	N/A
Scheme implementation (start-up)	PRO	Variable dependant on scheme, could be early collection of charges[15] or an industry backed loan (to be repaid through charges). A Government loan or subsidy, such as a waste levy grant, may also be considered.	Polluter/producer pays. Industry-led PRO is responsible for the efficient establishment and management of the scheme in line with its regulatory responsibilities and any other related requirements. While the Government may choose to assist, an overriding principle is polluter pays and schemes should be self-funding and cost neutral to Government wherever possible.	Where needed, loans to float the scheme establishment, are repaid quickly (within 3-5 years of scheme operation, although can be longer). Loan repayment costs are incorporated into the schemes financial model and ultimately, the scheme charges.	Most efficient method for cost recovery, preferably cost neutral to Government.
Scheme operation (ongoing)	PRO	Full cost recovery through the scheme charge and where applicable, and unclaimed refundable deposit revenues.	Polluter/producer pays. Equal opportunity for all scheme participants (full club ie, first responsible suppliers and retailers/return point operators) to participate in this activity, hence cost recovery will occur through the scheme charge.	Regulator to invoice the PRO on an agreed basis.	Most efficient method for cost recovery, preferably cost neutral to Government.
Establishing the Registration Portal	Ministry	Crown-funded	Government decision to undertake this activity, cost recovery from PRO or club not appropriate.	N/A	N/A
Registration and permitting	Ministry	Full cost recovery (actual and reasonable costs)	The product importation and/or sale activities of first responsible suppliers necessitate the need for	Fixed charges and hourly rates.	Registration, assessment and if relevant, any

[15] Charges are collected from first responsible suppliers for a defined period ahead of the scheme's recovery activities commencing, in order to help float the scheme.

			registration services. It is administratively efficient to charge these parties the actual costs associated with registering them and their products for an eligibility assessment process.		permitting activities undertaken by the regulator (expected to take a uniform amount of time to complete).
Routine scheme performance monitoring	Ministry	Crown-funded	Government decision to undertake this activity, cost recovery from PRO or club not appropriate.	N/A	N/A
Routine compliance monitoring	Ministry	Full cost recovery through the PRO, via the scheme charge paid by scheme participants (ie, first responsible suppliers).	Equal opportunity for all scheme participants to be compliance monitored.	Invoice the PRO on agreed basis	Most efficient method for cost recovery
Preliminary and in-depth investigations	Ministry	Crown-funded unless a breach is found, in which case costs may be recovered on an actual and reasonable basis from the offending party.	Crown-funded in the first instance as it is the Crown's risk to bear and scheme participants assumed to all have equal opportunity to be subject to investigations. Charging scheme participants for investigations that do not result in a breach is not appropriate. Only if the investigated party is found to be breaching its obligations is it appropriate to cost recover for investigation activities.	Fixed charges and hourly rates and reasonable costs incurred	Investigation activities expected to take a fixed amount of time to carry out, some activities may be more bespoke and therefore require hourly rates and costs incurred.
Prosecutions	Ministry	Recovered through the Courts, subject to Court order.	Government decision to undertake this activity, cost recovery from PRO or club not appropriate.	N/A	N/A

Components of scheme charges

Without an operating model it is not possible to estimate charges (ie, hourly rates or fixed charges). However, we expect the regulator will follow a standard model whereby charges will reflect direct costs (ie, staff salaries) and indirect costs (ie, overheads). Reasonable costs will reflect costs such as travel, which we expect will be recovered on an actual and reasonable basis.

Identifying the 'club' for any cost recovery activities (as per table 1 above)

Depending on the activity, the 'club' from which cost recovery could be undertaken differs. For example, the club of affected parties could be any of:

- the scheme PRO
- 'first responsible suppliers' of the product to the New Zealand market (ie, producers and importers)
- any other parties that may have regulatory obligations within a scheme (such as return points where these activities are subject to regulations)
- any party with no direct regulatory obligation but may commit an offence in relation to a regulated scheme, such as any proven fraudulent behaviour or activities.

Preliminary compliance monitoring and enforcement costs

CME costs are scheme specific, and would likely include:

- tasks and time allocated to ongoing monitoring activities
- the number of inspections made per year and how long an inspection will take
- the number and length of preliminary and in-depth investigations into any breaches of obligations
- staffing costs and overheads.

Consultation

Public consultation has been held on multiple occasions seeking the public's views of various product stewardship schemes including:

- **Tyre scheme** held from November to December 2021. This consultation was on the proposed product stewardship regulatory scheme for tyres and large batteries. These regulations would give manufactures, sellers and users more responsibility for ensuring used tyres and large batteries do not end up in landfills or the environment. Tyrewise is now operational as the accredited and regulated product stewardship scheme for tyres, with a scheme for large batteries still being investigated
- **Container return scheme** held from March – May 2022. This consultation focused on whether to progress a scheme for beverage containers, and the proposed scheme design settings to determine what type of CRS New Zealanders preferred. In early 2023 the proposal was put on hold
- **Refrigerants scheme** held in November 2022 on reducing the environmental impacts of fluorinated gases also referred to as refrigerants. This consultation sought feedback on

the proposal to implement a regulated product stewardship scheme for refrigerants as well as prohibiting the import and sale of pre-charged equipment when alternatives are available. Officials are working to finalise this product stewardship scheme[16]

- **Agrichemicals, their containers, and farm plastics** held May 2025, proposing the consolidation of two pre-existing voluntary schemes with the aim of simplifying and increasing access to take-back services for farmers and other consumers.[17] The aim of the scheme is to reduce farm waste. Separately, the two schemes are making steady progress, the proposal argues that by consolidating the schemes more reduction can be achieved. The cost of running the scheme and managing the take-back and treatment will be recovered by the fees paid by producers and importers of in-scope products, some or all of these fees are predicted to be passed on to consumers.[18] The consultation also specifically asked submitters views on the proposal for the Ministry to recover the costs of monitoring the schemes performance from the scheme, 68 per cent where in favour of this option.

A further round of public consultation on the full suite of waste legislative proposals was held in April 2025 and closed on 1 June 2025.[19] This consultation sought feedback on the proposal to amend the WMA and Litter Act to create a fit-for-purpose, modern waste legislation that provides more options and flexibility to reduce and manage waste effectively and efficiently. The Ministry received 267 submissions from organisations and groups across all regions, from a range of sectors, including local government, businesses, industry bodies, iwi and hapū, registered charities and individuals.

Overall, there was widespread support for a modernised EPR framework with 95 per cent of submitters supporting the proposal.[20] Submitters also supported regulated fees (or charges) that enable cost recovery, while also maintaining the not-for-profit model and providing for some flexibility to respond to changing market conditions.

Depending on the specific EPR scheme, the Ministry may propose a statutory requirement for the PRO or regulator to consult when setting charges. In line with cost recovery best practice, the quantum of the charges set will be sufficient to cover costs with an expectation that schemes will be run as not-for-profits, and therefore scheme revenues are not for the purpose of generating surpluses. Under such circumstances we do not consider there is value in seeking public feedback on the value of charges.

However, as part of the Ministry's performance monitoring role, information will be sought to understand the outputs and outcomes that are being delivered for the funding generated, this information will be made publicly available. Such information may also help to inform refinement and updates of any input methodologies associated with a particular scheme.

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[16] Proposed measures to reduce the environmental impact of fluorinated gases. Proposed-measures-to-reduce-the-environmental-impact-of-Fgases-consultation.pdf.

[17] Offering take-back services for agrichemicals and their containers and some other farm plastics.

[18] Proposed product stewardship regulations – Agrichemicals, their containers, and farm plastics: Agrichemicals-their-containers-and-farm-plastics_Discussion.pdf.

[19] Consultation on the proposed amendments to the waste legislation. Amendments-to-waste-legislation-consultation-document-ME-1887.pdf.

[20] Consultation question: Do you support the proposal for a modern EPR framework?