

WasteMINZ's submission on proposals to amend the Waste Minimisation Act 2008 (WMA) and Litter Act 1979 (the Litter Act)

Date: 1 June 2025

About WasteMINZ

[WasteMINZ](#), formed in 1989, is the largest representative body of the waste, resource recovery and contaminated land sectors in Aotearoa New Zealand. Our aim is to make a positive impact on Aotearoa New Zealand by:

- shaping relevant legislation and policy so we can reduce the amount of waste and the impact of it on our environment.
- advocating to central government on improvements to policy needed in the waste, resource recovery and contaminated land sectors.
- providing learning and development opportunities and creating best practice guidance for our sectors to help our members do the best they can for the environment and communities of Aotearoa New Zealand.

We provide eight different sector groups that focus on the key issues in the waste, resource recovery, and contaminated land management sectors. Each of these groups work towards reducing the impact of waste on the environment by providing best practice guidance, thought leadership and resources on some of Aotearoa New Zealand's pressing waste, resource recovery and contaminated land issues – such as the circular economy, right to repair, lead contamination in residential properties, kerbside collections, a container return scheme and food waste.

Our aim is to ensure an evidence-based approach to addressing these challenges which allows Aotearoa New Zealand to thrive.

This submission is the combined views of all eight sector groups.

General comments

WasteMINZ in general supports the Government's intent, to create fit-for-purpose, modern waste legislation that provides options and flexibility to reduce and manage waste effectively and efficiently. These amendments are travelling in the right direction and represent a critical opportunity to modernise our waste and litter legislation, clarify roles and responsibilities, strengthen regulatory tools, and support a more circular, low-waste economy.

WasteMINZ is supportive of greater emphasis on progressing product stewardship via EPR and believe that we need to be moving faster in this area. Urgent work is needed on certain products including lithium-ion batteries.

We particularly support the emphasis on clearer roles and responsibilities, enhanced

regulatory tools, and improved data collection. However, we believe that there are some areas where amendments erode the focus on waste minimisation and have commented as such.

Consultation questions

Waste Minimisation Act Part 2: Product Stewardship

EPR framework

1. *Do you support the proposal for a modern EPR framework?*

WasteMINZ **supports the concept of a modern EPR framework in principle**; however, the current proposal is too limited in scope and lacks the necessary detail and ambition, to drive genuine waste reduction and product stewardship. A robust EPR system must go beyond funding end-of-life waste management and embed upstream interventions such as improved product design, repairability, reuse, and resource efficiency. We would like to see clearer requirements aligned with international best practice (EU Waste Framework Directive 2018), including mandatory performance targets, government-led scheme design, eco-modulated fees, and stronger compliance mechanisms. Without these elements, the proposed framework risks falling short of its potential.

WasteMINZ also believes that using the term PRO – Producer Responsibility Organisation is overly restrictive and precludes other non-producer stakeholders from taking a leading role where appropriate. This includes a single not-for-profit scheme providing EPR for a number of producers and product types, industry specific schemes, collaborative partnerships, and government managed schemes.

The things we would like to see explicitly required are as follows (not a comprehensive list):

- Government-led or controlled system design and active governance (as opposed to the current co-design process and industry-led approach).
- While we agree with the setting of binding targets, it is crucial that these targets prioritise reduction, reuse, and repair, rather than defaulting to recycling. The current regulatory framework for product stewardship schemes inadvertently enables designers to prioritise recovery and recycling, without adequately incentivising reduction, reuse, or preparation for reuse (i.e. repair).
- Progressive and mandatory performance targets, including collection targets (related to ‘placed on market’ data), and reuse/preparing for reuse targets, as well as recycling and material recovery targets, that (where justified by LCA) differentiate ‘high-value’ recycling (e.g. closed loop) from ‘down-cycling’ (open-loop). Accompanying this an effective compliance framework, with penalties for non-compliance.
- Sensible limits on what can be exported, and to what sort of facility, as against dealt with in authorised/accredited facilities in New Zealand; to maximise onshore processing which creates economic development and jobs.
- Full cost-recovery, that covers relevant costs to making the scheme effective in meeting its performance targets - including all collections (including those by councils and retailers), infrastructure development costs, R&D costs (for example related to market development for secondary materials in NZ), communication campaign costs etc. Note that as landfill decreases, the Waste Disposal Levy cannot be relied upon to provide these types of funding, whilst EPR can, by shifting the costs from waste management to those

that first place products on the New Zealand market.

- A deposit return element where necessary to support collection targets (e.g. where items tend to be hoarded or placed in general waste).
- Eco-modulation of fees to reflect eco-design criteria to help penalise the worst products on the market.
- Clear rules on funding for reuse and repair as well as recycling infrastructure and operations (e.g. the French legislation requires that 5% of the fees collected via EPR schemes covering re-usable waste streams (such as textiles, furniture and e-waste) are used to finance re-use and preparing for re-use activities conducted by social enterprises.
- Clear obligations on online and overseas sellers without an NZ legal entity – for example requiring an Authorised Representative in NZ and obligations placed on online marketplaces where their sellers are not registered under EPR.

Consideration must also be given to how collection of levies on products subject to EPR schemes can be undertaken at the border, where Free Trade Agreements are in place.

2. Do you support discontinuing the government accreditation of voluntary product stewardship schemes?

Yes, we **support discontinuing the accreditation of voluntary schemes**, as they have not delivered the scale or consistency of outcomes needed. A mandatory, well-regulated EPR system is a more effective and equitable approach to ensuring producers take responsibility for the full lifecycle of their products. Voluntary schemes have often lacked accountability, transparency, and performance requirements. Replacing them with mandatory, government-governed frameworks will provide a stronger foundation for achieving national waste minimisation goals.

Waste Minimisation Act Part 3: Waste disposal levy

Distribution of the waste levy funds

3. Do you support changing the distribution of levy funds to territorial authorities from a population-based calculation to a combination of a base flat rate (20 per cent) and a population-based calculation (80 per cent)?

WasteMINZ is **generally supportive of this proposed change**. Many smaller councils lack the rates base to adequately fund waste minimisation initiatives and invest in the necessary infrastructure. Introducing a base flat rate component would improve equity in the distribution of levy funds, ensuring that all territorial authorities—regardless of size—have a fair opportunity to meet their waste minimisation obligations and contribute to regional and national outcomes.

Scope of use of levy funds

4. Please indicate your support for changes that would permit territorial authorities to use the levy for:

- a. *activities that promote or achieve waste minimisation, in accordance with and as set out in the territorial authorities' Waste Management and Minimisation Plan.*

WasteMINZ is **supportive of this use**. Supporting levy funding for activities aligned with territorial authorities' Waste Management and Minimisation Plans (WMMPs) ensures that funding is targeted, strategic, and locally relevant. However, it's important that councils consider the role of levy funding during the development and review of their WMMPs, rather than retrospectively fitting projects to available funding.

Given the changeable nature of the levy, there should be careful thought about the balance between levy funding and other funding sources, such as rates or partnerships. Ensuring a clear, planned funding model will help avoid over-reliance on the levy and support more sustainable, long-term waste minimisation outcomes.

WasteMINZ supports territorial authorities continuing to use their levy portion for the promotion or achievement of waste minimisation.

- b. *costs associated with managing emergency waste.*

Managing waste after a disaster is a complex and prolonged process. While some waste—like household organic material—can be addressed early, the clean-up of silt, debris, and damaged infrastructure can take months or even years. The scale is immense; for example, the Canterbury earthquakes generated an estimated 8 million tonnes of waste.

WasteMINZ supports allowing territorial authorities to use levy funds for emergency waste management planning, as this aligns with their waste minimisation responsibilities. However, Government should retain a separate pool of funding to support councils facing the significant and unexpected costs of managing waste after major emergencies, such as severe weather events.

- c. *activities that provide for the remediation of contaminated sites and vulnerable landfills.*

WasteMINZ does not support this use. The phrasing of this proposal leaves it wide open for use of levy funds for activities which are not consistent with the Waste Minimisation Act objectives and would allow the funds to be used for non-landfill sites, or contaminated land. Territorial authorities do need support in this area, and it is particularly warranted for remote vulnerable landfills in territorial local authorities (TLAs) with lower credit ratings, where funding and capacity constraints can hinder proactive remediation. These sites often represent legacy issues, problems that were unlikely to have been anticipated during the original site development, under historical standards and knowledge.

However, Government should retain a separate pool of funding to support councils facing the significant costs of remediating these sites, as is delivered via the Contaminated Sites and Vulnerable Landfills Fund.

- d. *compliance, monitoring and enforcement of mismanaged waste.*

While WasteMINZ acknowledges that effective compliance, monitoring and enforcement are essential to addressing mismanaged waste, it is important that the use of levy funds in this space does not replace or reduce the core responsibilities of regulators. Levy funding should not be used to substitute baseline obligations.

WasteMINZ does not support this use.

- e. *activities that reduce environmental harm or increase environmental benefits.*

We do not support including this criterion in its current broad form. As it stands, it functions as a catch-all that extends the scope of the waste levy well beyond waste management and waste minimisation. This risks diluting the levy's core purpose, which is to support genuine waste minimisation and resource recovery. We believe the levy should remain focused on activities directly aligned with the intent of the Waste Minimisation Act – promotion and achievement of waste minimisation.

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

WasteMINZ does not support using the waste levy for these purposes.

Further levy effectiveness considerations

6. *Do you support removal of the current blanket exclusion from the levy for waste-to-energy facilities?*

WasteMINZ is **generally supportive** of removing the current blanket exclusion from the levy for waste-to-energy facilities. Disposal of mixed waste streams through a waste-to-energy plant does not align with the objectives of the Waste Minimisation Act and therefore should not be exempt from paying the levy.

However, not all waste-to-energy plants yield the same outcomes. We believe it is important to carefully consider the waste hierarchy, and the types of waste management activities Aotearoa New Zealand wishes to promote. If the levy is applied to all "waste-to-energy" applications, it would treat different processes, such as anaerobic digestion and incineration, the same, even though their environmental impacts differ significantly.

For example, waste used in cement kilns, like at Golden Bay Cement, which substitutes coal, should be treated differently from waste-to-energy plants which are not replacing other less sustainable energy sources. Not all waste-to-energy facilities yield the same environmental benefits; therefore, we do not support blanket levy charges for all of them. A more nuanced approach, potentially with a reviewable schedule of facility types, or criteria to ensure that these facilities are contributing to the goals of waste minimisation, would be more appropriate to ensure that levy applications align with the objectives of the Waste Minimisation Act.

7. *Do you agree that the Minister's considerations for a review of the effectiveness of the waste levy should mirror the scope of the purpose of the WMA and the parameters for levy spend (once these are decided)?*

WasteMINZ **agrees with this proposal** as it makes sense that the Minister's review of the waste levy's effectiveness is clearly aligned with the purpose of the Waste Minimisation Act (WMA) and any parameters for levy spending. This alignment ensures that the levy is being assessed against the outcomes it is designed to achieve, which in turn will support transparency, accountability, and the strategic use of funds. A well-aligned review framework will also help identify whether the levy is effectively driving genuine waste minimisation across all sectors.

8. *Do you support changing the timeframe for review of the effectiveness of the waste levy from every three years to at least every five years?*

WasteMINZ **does not support this proposal**. Extending the review timeframe to five years will result in reduced accountability and lack of responsiveness of the system with regards to policy adjustments needed.

WasteMINZ has previously raised concerns with the Ministry for the Environment about the timeliness of the data collection under the current review process.¹ We would like to reiterate that there is a substantial lag time between the data set used (1 July 2019 to 30 June 2022) and publication of the paper (September 2024), which impacts on its utility for informed decision making. A review timeframe of five years would further exacerbate this issue. However, it is important for all to have certainty as to the use and strategic direction of the levy and do not wish the strategy to be changed too regularly.

An alternative approach could be to retain the three-year formal review cycle but introduce an annual KPI-based check to monitor progress and provide an early indication of whether the levy is on track to meet its goals. This would strike a balance between robust evaluation and timely responsiveness.

Use of waivers

9. *Do you support replacing the current levy-waiver requirement of 'exceptional circumstances', instead enabling the Secretary to waive the requirement for an operator to pay any amount of levy in specified circumstances?*

WasteMINZ **supports this proposal**, but it is important that any change is guided by clear overarching principles that define the specified circumstances under which a levy waiver may be granted. This ensures transparency, consistency, and fairness in the application of waivers, while still providing flexibility where genuinely warranted.

10. *Do you support limiting the waiver requirement to emergency event situations for which a state of national or local emergency has been declared under the Civil Defence Emergency Management Act 2002 and biosecurity responses have been undertaken under Part 7 of the Biosecurity Act 1993?*

WasteMINZ **supports** limiting the waiver to declared emergency events under the Civil Defence Emergency Management Act or biosecurity responses, where there is a clear

¹ <[MfE - Review of the Effectiveness of Waste Levy Nov 2024.pdf](#)> – November 2024

public health or environmental risk. However, it's important that pre-planning is undertaken to manage such events, and that there is a clear, auditable process in place to prevent non-emergency waste from being incorrectly included under the waiver.

11. *Do you agree the waiver requirement for waste from the remediation of a contaminated site should specify any eligibility criteria that an application must meet? If so, please share any suggestions for eligibility criteria.*

Yes, the waiver requirement for waste from the remediation of contaminated sites should include clear eligibility criteria. Applications should demonstrate that alternative treatment or disposal options have been properly considered and be assessed against defined criteria to ensure waivers are granted only where they are necessary, justified, and aligned with waste minimisation goals. This waiver option should also be extended to cover remediation of vulnerable landfills.

12. *Do you support requiring a Minister to consider specific criteria before recommending levy exemption regulations are made (instead of the current requirement that the Minister is satisfied 'exceptional circumstances' exist)?*

Yes, we support development of specific criteria, as opposed to the current exemption circumstances which are not defined. Specific criteria could include the potential region or nationwide implications of an exemption, and the consideration of alternatives to landfill disposal.

13. *Do you support applying a timeframe of a maximum of five years before levy exemptions via regulations must be reviewed or allowed to expire?*

Unsure. WasteMINZ is generally supportive of the regular review of exemptions, and any conditions imposed on them. However, it may not be relevant to have expiry dates where exemptions cover generic activities, rather than specific events.

14. *Do you agree that the Minister should be able to impose conditions on levy exemptions?*

Yes, the Minister should have the ability to impose conditions on levy exemptions.

Reuse of material at disposal facilities

15. *Do we need to clarify in legislation when the levy should be imposed on waste disposed of at a disposal facility, so that waste reuse on site is operationally necessary and reasonable?*

WasteMINZ **supports** clarification in legislation which is needed to ensure waste reuse on-site is clearly defined as operationally necessary and reasonable. This will help prevent differing interpretation by operators and provide a level playing field for all disposal facilities. Common activities where waste is reused includes soil materials for daily cover and intermediate cover, and aggregates used for construction. Clear definitions would support consistent application and enable consistent enforcement across all disposal facility types.

Various Parts of the Waste Minimisation Act: Clarifying the roles and responsibilities in the waste legislation

17. Do you support the proposed changes to the roles and responsibilities for:

a. the Ministry for the Environment.

WasteMINZ **supports** the proposed changes to the roles and responsibilities of the Ministry for the Environment. These proposed changes are designed to support the EPR framework as described. As noted above, we do feel that the use of the term PRO may not always be appropriate.

b. The New Zealand Customs Service

WasteMINZ **supports** the proposed changes to the roles and responsibilities of the New Zealand Customs Service. Strengthening Customs' role is a logical and necessary step to support the effective management of waste at the border, particularly as we face increasing challenges with the import and export of waste materials. As international waste trade regulations become more complex — especially under agreements like the Basel Convention — it is essential that New Zealand has a coordinated, well-equipped front line capable of enforcing controls on restricted, hazardous, or recyclable waste streams.

Customs is uniquely positioned to identify and intercept waste that may be non-compliant, mis declared, or environmentally harmful, and can play a key role in preventing illegal or inappropriate waste shipments into or out of the country. Expanding its role supports New Zealand's waste minimisation and environmental protection goals; while also ensuring we meet our international obligations and reduce the risk of becoming a dumping ground for offshore waste.

NZ Customs also has a role to play in supporting the collection of EPR levies at the border. As the number and coverage of EPR schemes increases, the requirements on the Customs Service will also increase. Impacts on New Zealand's Free Trade Agreements must also be considered.

c. Territorial Authorities

Territorial authorities' role in compliance monitoring and enforcement must be noted and all roles and responsibilities from the former Litter Act need to be clearly articulated. We also note that territorial authorities' role in waste minimisation needs to be formally recognised.

18. Do you support a change in the Secretary for the Environment's ability to retain levy payments to a territorial authority, from mandatory to discretionary?

WasteMINZ **supports** a change from the Secretary for the Environment's ability to retain levy payments to a territorial authority, from mandatory to discretionary.

19. *Do you support enabling the Waste Advisory Board to provide advice at its discretion?*

WasteMINZ **supports** the enabling of the Waste Advisory Board to provide advice at its discretion.

Waste Minimisation Act Part 5: Modernising the compliance and data regime

20. *Do you agree the regulator should have greater powers to receive data, including the ability to share with other regulators and the Ministry?*

Yes.

21. *Do you support the proposed tiered approach to the compliance tools and sanctions?*

WasteMINZ supports more tools and options for compliance and sanctions dependent on the scenario and significance of the non-compliance.

Litter Act: The effective enforcement and cost recovery of littering and other types of mismanaged waste

22. *Do you support integrating littering and other types of mismanaged waste into the same regulatory framework for waste management and minimisation?*

WasteMINZ **supports waste provisions all sitting within the same regulatory framework.**

23. *Do you support enabling regulations for the collection of data on littering and dumping?*

WasteMINZ **supports better collection of data** on littering and illegal dumping. Informed decision making and recognition that territorial authorities are dealing with this nationwide issue at a local level would be better done with more data. We support this data not just being collected but being made available to territorial authorities and other appropriate stakeholders for supporting their work to monitor, enforce and reduce illegal dumping.

24. *Do you support expanding the purpose of the WMA to include littering and other mismanaged waste in the new waste legislation?*

WasteMINZ **generally supports this proposal**, however, more detail will be needed.

Please share any further thoughts or ideas on these proposals.

The terminology used to describe waste-related offences matters — it shapes public perception, enforcement priorities, and policy outcomes. In the proposed revision of the Litter Act, there is a noticeable shift toward softer terms such as “mismanaged waste” and “littering”, which risk downplaying the seriousness of intentional acts like illegal dumping.

We recommend that greater emphasis be placed on the term “illegal dumping”, which accurately reflects the deliberate and unlawful disposal of waste in non-authorized locations. Illegal dumping is not accidental; it is an intentional act that harms the environment, burdens communities, and constitutes a crime.

In contrast, “mismanaged waste” typically refers to waste that has been improperly handled or left uncollected, often without malicious intent. “Littering”, while also undesirable, tends to describe minor, often thoughtless acts that do not convey the scale or intent behind serious dumping offences.

Using the correct terminology — especially in legislation — ensures that enforcement agencies, communities, and offenders clearly understand the gravity of these acts. We urge that all three behaviours — illegal dumping, littering, and mismanagement — be clearly defined and treated as environmental offences, with “illegal dumping” specifically acknowledged as a criminal act requiring firm response.

Roles and responsibilities

25. *Regarding public authorities, do you support:*

a. limiting the definition of ‘public authority’ as proposed?

WasteMINZ **generally supports this proposal.**

b. enabling public authorities (amended as proposed) to warrant Litter Control Officers or appoint Litter Wardens, to manage and enforce littering and other mismanaged waste offences?

WasteMINZ **generally supports this proposal**, however, the terminology of Litter Control Officers and Litter Wardens seem antiquated if other terminology relating to littering is being modernised.

26. *Do you support removing the assignment of a statutory role for the promotion of litter control to any specific agency or organisation?*

WasteMINZ is **unsure** on this proposal.

27. *Do you support public authorities having discretion whether they provide waste receptacles in public places but an obligation to empty those receptacles if they provide them?*

WasteMINZ **generally supports this proposal.**

28. *Do you support removing the requirement for the Medical Officer of Health to be satisfied that litter receptacles are emptied promptly, efficiently and at regular and prescribed intervals?*

WasteMINZ **generally supports this proposal.**

29. *Do you agree that a local or public authority should:*

a. retain the ability to make grants to any organisation for the abatement or prevention of litter?

WasteMINZ **supports the proposal.**

b. be able to spend such sums of money as it thinks fit on any scheme or campaign for the abatement or prevention of litter?

WasteMINZ **supports the proposal.**

- c. *retain the ability to make bylaws to help reduce littering and dumping, if they are not inconsistent with the provisions of the new legislation?*

WasteMINZ **supports the proposal.**

- d. *retain the ability to deter, prevent, require timely clean-up and enforce waste escaping/being carried on to public or private land?*

WasteMINZ **does not support this proposal without more detail.** Escaping waste can have a large variety of intents, impacts, and cause. Landfills frequently see escaping waste – and we are wary of inadvertent consequences of this proposal.

30. *Do you support enabling all types of Litter Control Officers to apply different tiers of compliance tools, where they are authorised to act?*

WasteMINZ is **unsure** on this proposal, some controls may not be appropriate depending on the level of Officer.

31. *Do you agree that, in enforcing offences, Litter Control Officers should be able to:*

- a. *use vehicle registration and ownership details?*

WasteMINZ **supports the proposal.**

- b. *use appropriate evidence-gathering, search and surveillance powers for vehicles that are implicated in serious dumping offences?*

WasteMINZ **supports the proposal.**

END