



# **Nelson Tasman Climate Forum Submission**

## **Amendments to Waste Minimisation and Litter Acts**

**27 May 2025**

## Nelson Tasman Climate Forum – Who we are

The [Nelson Tasman Climate Forum](#) launched in February 2020 as a community-led climate action initiative open to everyone. The Forum aims to weave the community together around urgent, strategic action to achieve the following goals:

- Rapidly reduce the region's greenhouse gas emissions, increase carbon sequestration and undertake other climate stabilising initiatives, consistent with the urgency of the situation.
- Adapt to the likely adverse environmental effects of climate change and the resulting social and cultural effects, using inclusive and responsible decision-making to support these desirable outcomes.
- Respond to climate change in a way that recognises the rights of all living organisms, including people, and provides for a just, equitable, and resilient society.

The Forum is volunteer-led, apolitical, and registered as a non-profit partner under the Tasman Environmental Trust. In the four years the Forum has been functioning, volunteers have carried out over 30 community projects. These projects range across many climate initiatives and include monthly Repair Cafés in Whakatū Nelson, Motueka and Tākaka, a yearly Climate Action Festival, a climate action campaign called [Take the Jump](#), art events and photography exhibitions, a Climate Action Plan and Book for the region, climate conversations with varied groups across the community, several waste reduction projects, letter writing campaigns, government and council submissions, and the protection and restoration of native habitats.

This submission is a consensus document from the Nelson Tasman Climate Forum, having been reviewed by signatory members once for input, and a second time for approval.

Please note: whilst the Nelson City Council and Tasman District Council have both signed the Nelson Tasman Climate Forum Charter, this submission has been prepared completely independently of the Councils. This submission is in no way intended nor should be construed to represent the views of either Council in any way.

We thank you for the opportunity to present this submission and for your consideration of our contribution.

## Introduction

The Nelson Tasman Climate Forum supports the government's intention to strengthen our Waste Minimisation Act 2008 (WMA) and Litter Act 1979. We acknowledge this opportunity to make the changes needed to have a real impact on minimising waste and litter, and hence catch up with many other nations. We support or suggest changes to some of the proposals and oppose others.

We support:

1. Strengthening the Extended Producer responsibility framework
2. The application of the waste levy to waste incineration

We oppose:

1. The dilution of activities on which the waste levy funds can be spent by local government.

## Consultation questions

Please note that text highlighted as **such**, is our response.

### Waste Minimisation Act Part 2: Product stewardship

Amend the product stewardship provisions in the WMA to replace them with an extended producer responsibility (EPR) framework. Discontinue the role of central government in accrediting voluntary product stewardship schemes – organisations can still develop voluntary schemes if they wish to.

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

**Yes** | No | Unsure

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

**Yes** | No | Unsure

Please share any further thoughts or ideas on these proposals.

**The extended producer responsibility framework needs to be strengthened if we are serious as a nation about preventing and reducing waste. Producers are not taking responsibility for their products or their packaging throughout the lifetime of that product. Products are often not built**

to last or to be repairable. The current Product Stewardship framework references Guidelines<sup>1</sup> but these are not enforced and so the legislation is not strong enough to ensure schemes that apply for accreditation have been designed and developed with all stakeholders in the chain of custody, and that the scheme is targeting waste minimisation at the top of the waste hierarchy etc. Relying on the Producers to develop a scheme that is good for Aotearoa, our environment and people has not worked. The e-waste product stewardship design process is an example of this, where stakeholders were included but only in an advisory and non-resourced capacity, with no ability to approve the design proposed by the Industry. The process wasted time and money, and as a result we are still awaiting an acceptable (to stakeholders) scheme design. There has been a lack of completion on the current six priority products after five years when they were first notified:

- Plastic packaging - design underway but not finalised.
- Tyres - finally implemented in 2024 after 12 years.
- E-waste including large batteries - the Battery Industry Group's large battery scheme is still not approved; the TCNZ e-waste scheme is inadequate and has stalled.
- Agrichemicals and their containers; Farm plastics - Currently being consulted on
- Refrigerants and other synthetic greenhouse gases - awaiting drafting of regulations

This shows that the process for design/approval/implementation is failing, it is taking too long.

Producer responsibility should cover the impacts of products and packaging across their whole lifecycle. Producers should cover the full cost of setting up, and running effective reuse and recycling systems to take the burden off ratepayers and councils. The stakeholders in the chain of custody of the products, such as resource recovery centres that take back the items from consumers, and recyclers, should be paid for the services they provide to the scheme for the handling, processing and transporting of the products after being recovered from the first consumer.

This is especially important for remote, rural districts who face high transport costs and for areas with high visitor numbers that have to cover the cost of recovery and recycling from a small ratepayer base.

Sections 9 to 22 and 23 of the WMA are inadequate and out of date. The proposals outline updates to the powers in s9-22 which covers products and packaging that are covered by a formal product stewardship scheme. We fully support them becoming part of our waste law. The additional policy settings within Section 23 have not been used and need to be updated, modernised and implemented.

Effective EPR schemes including those for e-waste, textiles and packaging like plastic drink bottles, cans and liquid paperboard containers, are necessary and urgently needed in Aotearoa.

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<sup>1</sup> [General Guidelines for Product Stewardship Schemes for Priority Products Notice 2020 - 2020-go3342-New Zealand Gazette.](#)

The basic set of proposed powers in Appendix 1 will enable us to set up a deposit return scheme for empty beverage containers which is long overdue, and we encourage the Government to proceed with that scheme before the end of this term

Areas in the table in Appendix 1 that need to be strengthened to make EPR schemes more effective include:

- Targets should go beyond return rates and also include reuse targets and recycled content targets, for example (2 Regulatory parameters for schemes).
- Adding: Provide for automatic increases to deposit rates and/or network convenience if return rate targets are not met (3 Monitoring and intervention)
- Adding: Provide regular quarterly public reporting on key outcomes of scheme operations (10 Reporting and advice).

### **EPR isn't the only policy tool available**

There is a wide range of tools that governments can use to manage the impacts of products and packaging on society, our environment and our economy. Product policy tools include: bans, mandates, targets, economic instruments, design specifications, performance standards and requiring transparency around product and material composition and flows.

These tools can be used alone or in packages to shape the way products and packaging flow through our economy, get used, repaired, reused, recycled and disposed of.

The powers in s23 need to be more clearly described, expanded and modernised. Government can use these kinds of powers to prevent waste, pollution and emissions at source e.g. advance disposal fees on electronics, liquid paperboard carton bans, restricting the use of single use serviceware, and a tax on single use packaging.

We need to use the full range of policy instruments to reduce the generation of waste by reducing the quantum and speed of the flow of materials; increase the longevity of products; ensure the right to repair; and remove toxic and harmful substances from extraction and production process, and from the products and packaging.

### **EPR schemes are too focused on downstream processing**

Extended Producer Responsibility tends to focus on downstream activities to collect, sort, bale, transport and recycle products that have already been made and distributed. For example container return schemes for single use drink bottles, cans and cartons.

New Zealand should follow the best examples from around the world and create a producer responsibility framework that works for both reuse and high quality recycling. Examples of

actions that the Government could take in the packaging space are detailed in a report by Reuse Aotearoa<sup>2</sup>.

Reuse and refill are activities that reduce the volume of single use packaging that is generated and hence reduces the flow of products into recycling and rubbish systems. This slows down the use of resources and energy and limits GHG emissions from extraction and production. 60% of global GHG emissions come from extracting and processing raw materials (biomass, fossil fuels, minerals, non-metallic minerals and metals)<sup>3</sup>.

### **Voluntary schemes**

Voluntary schemes have not delivered on minimising waste, they are a diversion from achieving effective producer responsibility. We support the proposal to discontinue government accreditation of voluntary schemes. This would require all accredited schemes to adhere to the same standards and process. It is clearer for the public and removes that workload from the Government and civil servants.

## **Waste Minimisation Act Part 3: Waste disposal levy**

Adjust the method for allocating funds from the waste disposal levy (the levy) to territorial authorities, to reduce the extremity of funding between very large and very small councils. The current population-based allocation approach would change to a combination of a base flat rate (20 per cent) and a population- based calculation (80 per cent).

Widen the use of the levy money for territorial authorities to support a broader range of waste and environmental outcomes.

Provide central government and territorial authorities with a decision-making framework for spending levy funds on environmental benefits and/or reduction of environmental harm.

Remove the blanket levy exclusion for waste-to-energy technology and facilities, to ensure a level playing field for all types of final waste disposal.

Amend the Minister's required considerations and timeframe when reviewing the effectiveness of the levy.

Improve the efficiency and effectiveness of the existing levy provisions for:

- levy waivers
- levy exemptions
- reuse of material at disposal facilities

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<sup>2</sup>

[https://reuseaotearoa.org.nz/wp-content/uploads/2022/06/RA-June-22\\_3.3-Recommended-actions-for-central-government.pdf](https://reuseaotearoa.org.nz/wp-content/uploads/2022/06/RA-June-22_3.3-Recommended-actions-for-central-government.pdf)

<sup>3</sup> <https://www.resourcepanel.org/reports/global-resources-outlook-2024#report> Bend the Trend Report pg xiv Key message 1.

- stockpiling.

## Distribution of 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)?

Yes | No | Unsure

Please share any further thoughts or ideas on this proposal.

This is a fairer way to allocate the levy funds to territorial authorities and will benefit those regions with a smaller population and hence a greater load on a small ratepayer base. We strongly support territorial authorities receiving 50% of the levy fund.

## 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.

Yes | No | Unsure

b. costs associated with managing emergency waste.

Yes | No | Unsure

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

Yes | No | Unsure

d. compliance, monitoring and enforcement of mismanaged waste.

Yes | No | Unsure

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

Yes | No | Unsure

Please share any further thoughts or ideas on this proposal.

The waste levy funding should be used for initiatives that result in the prevention and minimisation of waste. If there are waste minimisation initiatives as a result of emergencies that a TA has documented within their WMMP, then the levy money should be available for that initiative, but not generally for disposal of waste to landfill. The remediation of contaminated sites, dealing with mismanaged waste etc. should be treated the same - the levy only used to fund specific initiatives that are included in the TAs WMMP.

We do not support TAs being able to spend the levy on anything other than 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.

Keep it simple: activities that promote or achieve waste minimisation at the top of the waste hierarchy, in accordance with and as set out in the territorial authorities' (TA's) Waste Management and Minimisation Plan (WMMP). The WMMPs for each TA should be required to document what percentage of their waste levy is spent at each level of the waste hierarchy, and plan to improve that over time, and the TAs then report against those percentages.

Waste minimisation is achieved by more than just diverting waste from landfill. The WMA needs to ensure that levy funding is available for TAs and through the competitive funding rounds for other key initiatives that will move us towards a zero waste society including: behaviour change programmes; education; prevention; composting system setup; business systems to improve resource use including the development/use of reusable packaging systems; systems to collect goods for reuse/repair; repair initiatives; minimising litter; and toxic waste.

Environmental benefits that fall outside the waste minimisation work stream should be funded by other methods.

### Further levy effectiveness considerations

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

Yes | No | Unsure

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

Yes | No | Unsure

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

Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

The waste levy should apply to all forms of waste disposal, landfill and waste to energy. Waste to energy facilities are not an acceptable form of reducing waste. They encourage continued generation of waste and therefore waste resources, and they produce toxic ash and emissions. They should not be treated any differently than a disposal to landfill in terms of the levy.

Regarding question 7, the waste levy should be targeted at action at the top of the waste hierarchy, and should include a review of the amount of waste and recycling generated. If the levy spend is effective the amount of waste and recycling should reduce every year. Targets



should be developed to ensure the generation of waste is reduced. Regrettably, the over-riding purpose of the Act at this time is only to encourage waste minimisation and a decrease in waste disposal. This needs to be strengthened.

The review of the levy funding by central government needs to be released publicly, including the spend on each level of the waste hierarchy and the change in waste and recycling in the period.

Given the urgent need for cultural shift and behaviour change, we prefer to keep the review of the effectiveness of the waste levy at every three years rather than five.

## 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?

Yes | No | Unsure

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

Yes | No | Unsure

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

Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

In principle, we support replacing the current levy-waiver requirement of exceptional circumstances, for the reasons advanced.(simplicity, transparency, clarity). However, the consultation document does not elaborate on the specific eligibility criteria under which the levy might be waived. We note the request for feedback for contaminated sites. We suggest these be developed for all three proposed situations.

We consider that TAs are in a better position to comment on these proposals. We do not have the knowledge required to answer these questions.

## Conditions and exemptions

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

Yes | No | Unsure

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

Yes | No | **Unsure**

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

**Yes** | No | Unsure

Please share any further thoughts or ideas on these proposals.

We disagree with allowing a Minister unfettered discretion to recommend levy exemptions. This could result in a decision made for purely political reasons and not for the best outcome of minimising waste. Therefore having specific criteria that are mandated to be assessed are essential.

## 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?

**Yes** | No | Unsure

Please share any further thoughts or ideas on this proposal.

If a site takes materials that are reused in any way, then they should not incur the levy when, as noted in the consultation document, that is (demonstrably) operationally necessary and reasonable (eg, to comply with a consent condition. .

## Stockpiling controls

16. Do you support improvements to stockpiling controls by introducing tools such as:

a. an approval system with limits and conditions.

**Yes** | No | Unsure

b. changes to the stockpile calculation process to track the throughput of materials.

**Yes** | No | Unsure

c. a stockpile volume threshold limit.

**Yes** | No | Unsure

d. improved data collection, record-keeping and reporting provisions, to increase transparency and traceability of material entering and leaving a site.

**Yes** | No | Unsure

e. defining/amending the terms 'diverted material', 'accumulation' and 'stockpiling' in the legislation?

**Yes** | No | Unsure

Please share any further thoughts or ideas on these proposals.

The proposals to improve the existing stockpiling controls appear reasonable. However, we do not have the background knowledge to further assess questions related to stockpiling.

## Various Parts of the Waste Minimisation Act:

Clarifying the roles and responsibilities in the waste legislation

Retain the current core role of the Ministry but add new responsibilities related to the proposed EPR framework.

Improve the role of the New Zealand Customs Service (NZ Customs) to support existing regulated product stewardship and an EPR framework.

For territorial authorities, clarify the minimum obligations for waste minimisation and improve the regulatory tools to ensure these are delivered.

Enable the Waste Advisory Board to provide advice to the Minister or Ministry on its own initiative – consistent with an agreed strategic plan – and focus the Board's mandate on strategic and/or overarching waste issues.

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

a. the Ministry for the Environment.

**Yes** | No | Unsure

b. the New Zealand Customs Service.

**Yes** | No | Unsure

c. territorial authorities?

**Yes** | No | Unsure

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

Yes | No | **Unsure**

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

**Yes** | No | Unsure

Please share any further thoughts or ideas on these proposals.

**We do not have the knowledge required to be able to assess the impacts of the proposal covered in question 18.**

**We support MfE and NZ Customs and other government agencies to have and use the full set of powers required to design, develop, implement, monitor and enforce effective Extended Producer Responsibility schemes as well as the broader set of product stewardship tools including: bans, mandates, targets, economic instruments, circular design specifications, standards, transparency and information sharing.**

If the government uses all the tools available through the amended legislation, we support the proposal to expect TAs to meet a set of related minimum obligations. This would ensure that recycling, reuse and repair are fully funded through the EPR charges, use of the Waste Levy and other economic instruments as well as bans, obligations and other supporting actions to prevent and reduce waste at the top of the waste hierarchy.

We do support members of the WAB providing advice at its discretion. The members of the WAB are chosen for the knowledge, experience and involvement in the waste sector and thus should be supported to provide advice on any issue under the WAB's remit that they feel is pertinent for the Minister to be aware of in a timely manner.

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

Introduce a fit-for-purpose compliance regime for the waste regulatory system to bring it into line with good practice already in use in other legislation. This will define the regulators' and other organisations' legislative obligations for monitoring and compliance activities.

Implement an amended compliance monitoring and enforcement (CME) framework to improve on the littering and other mismanaged waste compliance currently provided for under the Litter Act.

Enable regulators to share information for CME purposes.

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

Yes | No | Unsure

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

Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

We believe compliance and data gathering need to improve and be more effective. As the regulator, Government should have wide powers to require and collect relevant data from stakeholders.

Effective compliance, monitoring and enforcement for EPR schemes and other product stewardship activities, as well as for the management of litter and mismanaged waste, is a critical part of the process. This needs to be well resourced. Definitions and calculation formulas need to be very clear and consistent.

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

Improve the existing regulatory framework to enable public authorities to better deter and address littering and other types of mismanaged waste.

Integrate littering and other mismanaged waste into the broader waste management and minimisation regulatory system so the whole waste system is managed under one cohesive piece of legislation (including changes to the purpose of the legislation).

### Scope of the legislation

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

**Yes** | No | Unsure

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

**Yes** | No | Unsure

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

**Yes** | No | Unsure

Please share any further thoughts or ideas on these proposals.

**We support the proposals to integrate littering and the mismanagement of waste into the WMA. We support investment in staff and systems to ensure compliance, monitoring and enforcement at central and local government levels.**

### Roles and responsibilities

25. Regarding public authorities, do you support:

a. limiting the definition of 'public authority' as proposed.

**Yes** | No | Unsure

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?

**Yes** | No | Unsure

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

Yes | No | **Unsure**

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

Yes | No | Unsure

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

Yes | No | Unsure

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

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

Yes | No | Unsure

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.

Yes | No | Unsure

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.

Yes | No | Unsure

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

Yes | No | Unsure

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

Yes | No | Unsure

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

a. use vehicle registration and ownership details.

Yes | No | Unsure

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

Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

We do not have the knowledge to comment on question 26.

We believe that TAs should have the powers they need to reduce littering and to levy appropriate fines, but the funding for dealing with litter should come from EPR schemes and other products stewardship tools, rather than ratepayers or central government, once the schemes/tools are in place. An example of this is the Container Deposit Scheme, if that was in place, all beverage containers would be worth 20c (or whatever the deposit value is chosen),

and so TAs could claim that money back. In reality, as proven in schemes internationally, there is likely to be less littering of beverage containers when a CDS is implemented.

Funding for dealing with litter could also be sourced from strong compliance action.

We believe TAs should encourage behaviour change as per the DOC Environmental Care Code's Carry In Carry Out.

## Compliance monitoring and enforcement framework

32. Do you support the proposed amendments to the compliance monitoring and enforcement framework for littering and other mismanaged waste offences?

Yes | No | Unsure

33. Do you support lowering the threshold for evidence of a mismanaged waste offence, to allow for effective compliance monitoring and enforcement by Litter Control Officers?

Yes | No | Unsure

34. Do you agree that public authorities should be able to be compensated by the offender if the mismanaged waste offence has caused significant environmental harm?

Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

We'd like to see further information on question 33, as part of developing the CME framework.

## Cost recovery for removal of waste and correction of damage

35. Do you agree that public authorities, regulators, or occupiers of private land where a littering offence is committed, should be able to recover reasonable costs associated with the removal of the litter/waste and/or the environmental harm caused from the offender? If not, please explain why and provide any suggested alternatives for covering these costs.

Yes | No | Unsure

Please share any further thoughts or ideas on these proposals.

Yes but also the owners of private land that has been used as a dumping ground by a tenant or other user for their waste should be included. Example is where land/warehouses were leased and then used as a dumping ground for tyres by unscrupulous orgs charging tyre outlets for the disposal of them. This shouldn't happen now that the Tyre wise scheme is running but it is an example of when private landowners and councils needed to dispose of tyre mountains.

## Feedback requested from Litter Control Officers

36. If you are a Litter Control Officer who has used the existing section 9(2)–(4) of the Litter Act (to require an occupier of land or premises to take all reasonable steps to prevent litter being carried or escaping onto the public place), please answer the following.

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

Yes | No | Unsure

b. If not, please provide more information about the limitations of the provisions.

37. Please provide your feedback on the draft infringement levels for the proposed mismanaged waste compliance framework.

Please share any further thoughts or ideas on this proposal.

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