
ENVIRONMENT/ RESOURCE MANAGEMENT

NOVEMBER 2008

SERIOUS ABOUT REDUCING RUBBISH:

Waste Minimisation Act a reality



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Legislation promoting the reduction of waste and encouraging recycling is now a reality. The Waste Minimisation Act, drawn from the ballot back in 2006, has been hailed by the Green Party as the most comprehensive and significant piece of legislation to come before Parliament.

The Act has three prongs of attack:

1. Penalising the dumping of waste. It puts in place a waste levy to discourage the production of waste.
2. Encouraging the reduction of waste from the outset. It places more responsibility on businesses to look after their products at the end of those products' lifecycles, hopefully motivating manufacturers to reduce packaging and design products to avoid waste from the outset.
3. The establishment of a Board that generates ideas to further address waste issues. The Waste Advisory Board will also provide advice to the Minister for the Environment on initiatives to help the Act achieve its goal of reducing waste.

What counts as waste?

The definition of "waste" was a key contention during the Select Committee process. It had included "used and unwanted

paper left for collection or delivered to a recycling centre". The recycling industry was concerned that this definition would create disincentives for recycling, as well as jeopardising New Zealand's significant export market for waste, such as scrap metal. In August, however, a Supplementary Order Paper amended the definitions to ensure that the recycling industry is insulated from any disincentives to operate.

Also, the period for which waste can be stored at a disposal facility was increased to six months before the owner will be required to pay a waste levy. This allows recyclers to store material on site for an extended period, in line with the current practice of some operators.

Waste disposal levy

The waste levy has been set at \$10 per tonne of waste, where an alternative rate is not prescribed, and will become payable on 1 July 2009. The levy was earlier expected to be set at \$25 per tonne but the Select Committee considered that a lower amount would be adequate initially and that it would be less likely to provoke illegal dumping. The effectiveness of the levy will be reviewed by the Minister two years after it becomes payable, and subsequently at three-yearly intervals.

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The proceeds will be divided equally between territorial authorities and a contestable fund for waste minimisation projects. Territorial authorities must allocate levy monies to promote or achieve waste minimisation in accordance with their waste management and minimisation plans. Material deposited in cleanfills is currently not included in the levy, however, there is capacity in future to broaden the levy.

Product stewardship

Alongside the levy for waste disposal is the forward thinking concept of product stewardship. The Act both encourages and, in certain circumstances, requires that people involved in the life of a product share responsibility for:

- ensuring there is effective reduction, reuse, recycling, or recovery of the product; and
- managing any environmental harm arising from the product when it becomes waste.

If a product may cause significant environmental harm when it becomes waste, or there are significant benefits from reduction, reuse, recycling, recovery or treatment of the product, the Minister for the Environment may declare it a priority product and call for its inclusion in a stewardship scheme.

The Act also provides for the accreditation of voluntary product stewardship schemes for non-priority products.

Territorial authorities

Under the Act, territorial authorities must adopt a waste management and minimisation plan which sets out objectives, policies, and methods for waste management and minimisation, as well as for funding for implementation of the plan. This requirement effectively replaces the requirement to prepare a waste management

plan under the Local Government Act 1974, and is a great simplification of the scheme proposed under the original version of the Bill. The plan must be reviewed no later than 1 July 2012 and after that, every six years.

Offences

The Act also describes offences for contraventions of regulations. Fines of up to \$100,000 may be imposed. Enforcement officers may also be appointed under the Act for the purpose of ensuring compliance with regulations and will have powers to require information, inspect and seize property.

The Waste Advisory Board

The Act has established a Waste Advisory Board which will provide advice to the Secretary for the Environment and the Minister for the Environment. The Board members, appointed before the Act was passed, are Rob Fenwick, Lynne Kenny, Morris Love, John Pask, Sheryl Stevens, Lesley Stone and Nandor Tanczos. The Board's initial work will be around advising on which products should be priority products; product stewardship schemes; criteria for the funding of waste minimisation projects; and the information requirements to implement and monitor the effectiveness of the Act.

Wait and see

About 3.2 million tonnes of waste is sent to landfills each year in New Zealand and, according to the Ministry for the Environment, we dispose of around \$250 million worth of potentially reusable resources. While it's acknowledged that the Act is not a silver bullet to address all of this country's waste problems, and it is very much still a work in progress, it goes some way to helping clean up our own backyard.