



## The Waste Minimisation Act

# Information for Territorial Authorities

The Waste Minimisation Act (2008) brings the waste management responsibilities of territorial authorities into one Act, and clarifies the roles and responsibilities of territorial authorities in waste management and minimisation. This guide provides an overview of your responsibilities under the Act with quick hyperlink references to the legislation and other useful information.

### Responsibilities under the Act

The Waste Minimisation Act requires territorial authorities to **promote effective and efficient waste management and minimisation within their district.**

#### Waste levy

From 1 July 2009 **operators of waste disposal facilities** will be **required to pay** a levy of **\$10 per tonne** on waste disposed of at their facility. Unpaid levies will be **treated as debt** and incur **interest at 7.5%**. Those territorial authorities that operate waste disposal facilities (landfills) must **pay the levy to the levy collector** in the prescribed manner and at the prescribed times. These will be set by regulations made under Part 3 of the Act.

We expect that waste disposal facility operators will increase their charges for disposal to cover the levy. Territorial authorities therefore will need to consider how they fund this addition to the cost of any waste collection and disposal that they carry out.

Territorial authorities will receive a share of approximately half of the total levy money based on the **population of their district**. We anticipate payments will be quarterly starting in December 2009.

Territorial authorities must **spend the money** they receive on matters to promote waste minimisation and in accordance with their waste management and minimisation plan.

### Waste management and minimisation plans

Under the Act, all territorial authorities must have **waste management and minimisation plans** adopted, including methods and activities for reducing waste, before they are **eligible to receive levy funding**. See sections 43–47 of the Act for the requirements of your waste management and minimisation plan.

Existing waste management plans prepared under the Local Government Act 2002 are deemed to be waste management and minimisation plans under the Waste Minimisation Act. These must be revised under the Waste Minimisation Act before 1 July 2012.

Territorial authorities must review their waste management and minimisation plan **every six years**, starting from 2012. These plans will include **an assessment** of future demands for waste management in the district.

The Act allows for the Minister for the Environment to recommend an Order in Council that would direct territorial authorities to **include, omit, or amend one or more provisions in their waste management and minimisation plans**.

The purpose of this is to improve consistency, encourage best practice and ensure that revenue from the collection of the waste levy is used to improve council performance in waste minimisation.

### Other territorial authority responsibilities

The Act requires territorial authorities who provide a service to collect solid waste must do so **promptly, efficiently, and at regular intervals**. If a territorial authority fails to do so, and this is causing, or is likely to cause, a nuisance, a Health Protection Officer may **serve notice** on that council.

The Act also prescribes territorial authority powers for **waste-related bylaws**. Bylaws must not be inconsistent with waste management and minimisation plans. Local waste bylaws can:

- prohibit or regulate the deposit of waste
- regulate the collection and transportation of waste (ie, only material that is discarded or disposed of by its owner). Bylaws can require those collecting and transporting waste to be licensed. Conditions can be imposed on licences including bonds and a requirement to provide information
- regulate the disposal of dead animals, including any short-term storage
- prescribe charges to be paid for the use of waste management and minimisation facilities provided, owned or operated by the council (this covers both waste as well as any diverted material using the facilities)
- control access to the waste management and minimisation facilities provided, owned or operated by the council (covers both waste as well as any diverted material using council facilities)
- prohibit the removal of waste intended for recycling from receptacles provided by the council.

Councils can not, however, make by-laws regulating the collection, transportation and deposit of diverted material (ie, the material that is not discarded and disposed of due to commercial or waste minimisation activities, such as plastics recycling). Similarly, they can not require the licensing of persons commercially collecting and transporting diverted material and impose bonds or information conditions on these operations.

### Records and auditing

The Act contains provisions for regulations to require territorial authorities to keep, and provide the Ministry for the Environment or the levy collector with **records and information** about:

- spending of the territorial authority share of the levy money
- performance against the territorial authority waste management and minimisation plan
- performance against any performance standards set by the Minister for the Environment.

The Ministry for the Environment will work with territorial authorities on reporting requirements. We do not intend to develop any of the above reporting regulations at this time.

### What else can I do?

- Make sure your **waste management and minimisation plan** is consistent with the requirements of Part 4 of the Act by 1 July 2012 to ensure you will continue to be eligible to receive your share of the waste levy funding.
- Now is a good time to **assess the reporting and measuring systems** in place within your council to monitor waste management and minimisation activities.
- **Find out about the Waste Minimisation Fund**. You may be eligible to apply for the Waste Minimisation Fund. Start to think about potential projects that will achieve waste minimisation. Keep an eye on the Ministry website and *re:source* newsletter for future updates.

### Key dates

- **Public consultation** on a number of Waste Act matters begins in **March 2009** with the release of a consultation document titled *Waste Minimisation in New Zealand*. This document includes revised targets for the New Zealand Waste Strategy.
- Guidance for territorial authorities on waste management and minimisation planning will be released near the end of **May 2009**.
- **1 July 2012** – date by which waste management and minimisation plans must have been reviewed.

### More information

- **re:source newsletter** is our bi-monthly e-newsletter, designed to keep stakeholders up-to-date with the latest developments in sustainable business, waste minimisation, and progress being made with the implementation of the new Waste Minimisation Act.
- The Waste Minimisation Act – **Questions and Answers**.
- The Ministry for the Environment works on a range of waste issues. **This page** is your first stop for information on the Ministry's waste work programmes.
- **Sources of funding of projects and participation**. The Ministry for the Environment manages a number of funds. This page is your first stop for information on the Ministry's funds, who is eligible, and how to apply.

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