

Submission by



The Packaging Forum

to the

Ministry for the Environment

on the

Proposed amendments to waste legislation

May 2025

Executive Summary

The Packaging Forum is a member-based organisation representing the packaging industry from suppliers and importers of packaging, brand owners, retailers, resource recovery businesses and processors. The Packaging Forum has over 260 members.

The Packaging Forum operates voluntary product stewardship schemes for glass, soft plastics, food and beverage cartons and is piloting a new caps & lids scheme.

The Glass Packaging Forum Scheme was first accredited under the Waste Minimisation Act (2008) in 2010, reaccredited in 2018 and has applied for a further extension.

The Soft Plastic Recycling Scheme (SPRS) was accredited in March 2018 and its voluntary accreditation expired on 31 March 2025. The scheme has applied for accreditation as a priority product.

The Packaging Forum also managed the Public Place Recycling Scheme between 2014 and 2021 and whilst the scheme has ended, continues to fund initiatives to reduce packaging waste away from home, invest in new recycling and litter bins and refill and reuse systems.

The Packaging Forum in partnership with the New Zealand Food & Grocery Council has led the co-design of a mandatory Plastic Packaging Product Stewardship (PPPS) scheme. This scheme design report has been submitted to the Ministry for the Environment. This report is available on <https://ppps.org.nz/final-report/>.

71% of members would be liable parties under the definition of a producer.

The Soft Plastic Recycling Scheme (SPRS)

The Soft Plastics Recycling Scheme involves the collection of post-consumer soft plastic packaging at designated retailers and drop-off points. Soft plastic packaging includes film made mostly from LDPE (low-density polyethylene), HDPE (high-density polyethylene), PP (Polypropylene), and laminated or multi-layer plastics. Post-consumer flexible plastic encompasses items such as bread bags, frozen food bags, toilet paper packaging, confectionery and biscuit wrap, chip bags, pasta and rice bags, courier envelopes, sanitary hygiene packaging, squeeze pouches, and generally any soft plastic that can be scrunched into a ball.

The Scheme funds the collection systems, transportation, and reprocessing of plastic materials to enable consumers to recycle their soft plastic packaging used at home, work, or in public places. It pays a gate fee to its processing partners for each tonne of post-consumer soft plastic material they recycle. The scheme has 191 members, with **80%** being producers who would be liable parties under a mandatory Extended Producer Responsibility scheme.

The scheme has applied for accreditation as a Priority Product and is discussing with the Ministry for the Environment, how this fits within the context of this consultation process.

In 2024, the scheme started a trial in Nelson, collecting soft plastic from 1,000 households that opted into a separate collection service within the regulatory framework for kerbside collections.

Summary

This submission has been prepared following consultation with members of The Packaging Forum's Soft Plastic Recycling Scheme and provides the same responses to the submission from The Packaging Forum which represents all materials. Many of our members operate globally, contributing their insights to this submission. Our primary focus is on the EPR recommendations, addressing each in Table 4 based on the Forum's work in co-designing a PPPS.

We also commented on the waste levy, noting that the changes overlook the increasing role of EPR and do not support a national roadmap for recycling and resource recovery.

While we support including the Litter Act in the revised WMA, we are concerned that without mandatory requirements, the proposals may reduce the availability of recycling and litter "binrastructure".

Key Concerns and Recommendations

1. **Definition of a Producer:** The definition of a producer should be clear and inclusive of all relevant parties. There is no definition of a first responsible supplier.
2. **Regulating Offshore Marketplaces:** There should be regulations to manage offshore-based marketplaces to ensure compliance with waste legislation. We recommend consideration of the measures being put in place in Europe and do not support the onus being placed on the PRO to secure registrations from this sector.
3. **Multiple PROs:** Recommend that legislation is changed to address the risks identified from having multiple PROs for the same consumer products. For example, multiple PROs for packaging materials hinder the introduction of a fee-modulation system by reducing competitiveness. Scale is important and multiple schemes for the same product will individually lack the scale to be economic. The Government needs to set clear guidelines for the scope of products captured within a scheme to provide clarity to producers. The risk from not having clear boundaries is evident in the proposed regulations for Farm Plastics which are also under consultation. We ask that you refer to The Packaging Forum and Soft Plastic Recycling Scheme submission for the unintended consequences of multiple schemes for the same waste stream.
4. **Waste levy framework doesn't recognise EPR framework:** This consultation paper emphasizes creating a modern EPR framework for New Zealand where producers pay for the full life cycle of their products and their packaging. For instance, under the PPPS, the PPPS would assume the costs from councils for collecting and recycling plastic packaging. Similarly, an all-packaging EPR scheme would cover costs related to collecting and recycling glass, metal, fibre, and plastic packaging. As EPR schemes are implemented for e-waste, tyres, packaging, construction & demolition etc, it will be the responsibility of producers and the private sector to fund recycling. The new regulations should consider this comprehensively rather than adhering to a system established in 2008 designed to assist councils in managing waste.
5. **Litter Receptacles:** Recommend that the provisions for public litter receptacles remain mandatory and are broadened to allow for any type of waste receptacle (e.g. recycling, glass only, composting).

Summary of Responses to Consultation Questions

1. **Support for a Modern EPR Framework:** The Packaging Forum supports the proposal for a modern EPR framework to speed up the implementation of schemes and facilitate the expansion from a plastic-only scheme to an all-packaging EPR scheme. We are also pleased to see recommendations for the PRO to set and adjust fees to ensure that the scheme can respond to market conditions.
2. **Government to set EPR targets:** The Forum supports Government setting KPIs for schemes with agreed methodology (e.g. recovery rate, recycled content and reuse, labelling). This addresses risk in the current regulations that Government does not set out a clear vision of what it wants to achieve.
3. **Government Accreditation of Voluntary Schemes:** The Forum does not support discontinuing the Government accreditation of voluntary product stewardship schemes as they provide credibility and encourage industry participation.
4. **Distribution of Levy Funds:** The Forum believes that levy funds should be allocated to projects that align with the national waste strategy rather than on a per capita basis.
5. **Compliance and Monitoring:** The Forum supports a tiered approach to compliance, covering both EPR and levy requirements, and comprehensive data capture is critical to EPR and waste minimisation.
6. **Litter Act changes:** The Forum supports consolidating the Litter Act 1979 and the Waste Minimisation Act 2008 to modernise waste legislation.

Conclusion

The Packaging Forum appreciates the opportunity to provide feedback on the proposed amendments to waste legislation and asks to be heard at consultation.

Questions

EPR Framework

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

Yes. The Packaging Forum supports the proposal for a modern EPR framework to speed up the implementation of schemes and to facilitate the expansion from a plastic only scheme to an all of packaging EPR scheme which will align New Zealand with all except two known global EPR schemes.

We have reviewed the proposed key roles and responsibilities set out in the Appendix 1: Table 4 below and indicated our agreement or caveats which we recommend are considered to design a best practice framework for New Zealand.

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

We do not support discontinuing the Government accreditation of voluntary product stewardship schemes as these allow industry to set up voluntary solutions and for scheme members to feel that the government is interested in their endeavours. Government accreditation lends credibility to the scheme and encourages members to join.

From a Packaging Forum perspective, we would like to see all packaging materials within a mandatory EPR scheme. However, we believe there is still value in having accreditation for voluntary schemes.

Table 4: Summary of proposed key roles and responsibilities for EPR schemes

Role	Requirement	Packaging Forum position	Comments
Minister for the Environment			
1. Establishment powers	a. Invite applications to be the PRO for a scheme	<i>Agree</i>	
	b. Appoint a PRO on advice from the Secretary for the Environment	<i>Agree</i>	
	c. Ability to set scheme commencement date (and expiry date if required)	<i>Agree</i>	
2. Regulatory parameters for schemes	a. Setting and varying specific categories of products that would be subject to the scheme	<i>Agree with caveats</i>	The current legislation allows for multiple PROs for the same products. The Packaging Forum recommends a single PRO for household or household like packaging which may have different collection channels and funding models as appropriate. Scale is important and multiple schemes for the same product will individually lack the scale to be economic. Globally, the norm is to avoid double coverage of the same packaging in two schemes. Instead, regulators and stewardship organisations draw boundaries based on either the product category or the end-user. The UK EPR scheme administration plans for a single PRO for all of packaging (8 categories – glass, plastic, paper and card, wood, other, aluminium, steel and fibre based composites)

			and for a country the size of New Zealand it is even more critical. The Government needs to set clear guidelines for the scope of products captured within a scheme to provide clarity to producers. Failure to do so will result in the unintended consequences which we have outlined in our response to the Farm Plastics consultation.
	b. Setting performance parameters such as mandatory return rate targets and requirements where targets are not met	<i>Agree</i>	Government should set KPIs for the scheme with agreed methodology (e.g. recovery rate, recycled content and reuse, labelling). This addresses risk in the current regulations that Government does not set out a clear vision of what it wants to achieve. The Government should consider setting expectations for % of budget to be allocated to delivering consumer education and behavioural change.
	c. Developing definitions of requirements for recycling, processing, repair, reuse and safe disposal	<i>Agree with caveats</i>	We agree but urge government to not reinvent the wheel and align with established definitions such as used by the PPWR - adapting for the New Zealand context where necessary.
	d. Parameters for take-back obligations and exemption criteria	<i>Agree with caveats</i>	The legislation should allow the PRO to apply take back incentives to incentivise recovery of targeted materials and help achieve targets. Exemption or specific status criteria must be clear and verifiable including:

			- defining thresholds to avoid the administrative burden on small and micro enterprises - material formats which may be specially regulated e.g. pharmaceutical packaging - definition of refill/reuse – number of rotations required to meet the definition Again we encourage the Government to reference international best practice when designing these provisions.
	e. Obligations for all participants within scheme to comply with conditions such as design requirements and information disclosure requirements	<i>Agree</i>	
	f. Setting a deposit level in regulation	<i>Agree with caveats</i>	Recommend that the regulations also allow the PRO to apply a deposit or refund to materials, either to address specific litter or fly-tipping issues and/or to create clean stream collection of targeted materials, to meet the scheme's recycling targets or to disincentivise use. For example, single use coffee cups or cosmetic products with a deposit rate would incentivise return and a clean stream of materials for potential reprocessing.
	g. Obligations for take back service providers and operators (e.g. covering cash flows such as payments and reimbursements)	<i>Agree with caveats</i>	Obligations must also include provision of data and meeting material quality requirements.
	h. Setting and collecting charges (including frameworks for how charges are set such as input methodologies) and eco modulation of scheme charges	<i>Agree with caveats</i>	The fee structure and charging mechanism will vary depending on the scheme given the variability in complexity of products and their packaging.

			PROs must also be allowed flexibility to review and set their fees annually.
	i. Specifying how particular parties will be covered by the scheme (e.g. MRFs, councils) including provisions for fraud prevention	<i>Agree</i>	
	j. Prohibiting first responsible suppliers from selling their products unless they meet certain obligations	<i>Agree</i>	The proposal does not include a definition of “first responsible suppliers”. This needs to include regulating suppliers via the online marketplace. We recommend including a flow chart which demonstrates liability to pay. It’s also unclear how in practice enforcement will be done. We support proposals to allow NZ Customs to collect EPR charges. However, we would go further and advocate for EU-style obligations to ensure overseas sellers meet their EPR obligations on equal terms to domestic entities.
	k. Regulating products, materials and waste in the ways outlined in section 23 of the WMA (for products whether included in an EPR scheme or not)	<i>Agree with caveats</i>	Section 23 incorporates: • Take back services, fees and refundable deposits • Labelling of products • Quality standards • Information to be collected and provided There is no reference to “kerbside collections” which would be included in the PPPS or other packaging materials’ schemes. All schemes require robust data and therefore this regulation must be backed by mandatory reporting to the PRO.

	Primary legislation would establish that charges would be: a. Set by the PRO with consideration for parameters set out by the scheme (e.g. through input methodologies) b. Collected by the PRO or Secretary (or authorised party)	<i>Agree</i>	The PRO must be allowed to set fees including eco-modulated fees with the annual independent audit of accounts providing the mechanism to assure members, stakeholders and the Government that the fees set and funds allocated are in the best interests of New Zealanders
3. Monitoring and intervention	a. Require reports and/or information from PRO in accordance with information disclosure requirements	<i>Agree</i>	
	b. Require the PRO to replace an existing scheme charge for a charge specified by the Minister	<i>Agree with caveats</i>	We assume that this would be where the PRO fails to deliver on its performance targets. If changes to charges are necessary they should follow a defined review process involving the PRO that is outlined in enabling legislation.
	c. Issue a Gazette notice allowing for exceptions to scheme requirements in exceptional circumstances	<i>Agree</i>	
	d. Review the operations of the scheme after a specified period of time, and in other defined circumstances (such as failure to meet targets)	<i>Agree</i>	
	If scheme performance issues arise, the Minister would have the ability to: a. Appoint a Crown review team b. Appoint a Crown manager c. Dissolve the PRO board d. Take over and manage assets of the PRO e. Make changes to the Board	<i>Agree with caveats</i>	Levies raised by schemes from producers/liable parties must be ring fenced. The PRO/ scheme's assets may also include infrastructure. We recommend that Ministerial intervention powers should only be available if there are significant ongoing performance issues which impact the integrity of the scheme, with the threshold for intervention set in legislation.
Secretary for the Environment (or authorised third party). Would this be the NZ Customs Service as well as MfE?			
4. Establishment responsibilities	a. Priority setting tool for identifying potential products for EPR	<i>Agree with caveats</i>	Consultation on how the priority setting tool is designed should occur separately to this

			submission process. Without being able to see the proposed tool it is not possible to provide feedback.
	b. Undertake non-statutory process to develop further details for how a successful scheme may be designed and operated (e.g. through open procurement process with requirements to ensure industry, Māori and public interests are represented)	<i>Agree with caveats</i>	Require greater clarity on how “open procurement process” will be defined,
	c. Set criteria for assessment of PRO application	<i>Agree</i>	We agree but strongly recommend that the government must be satisfied that any prospective PRO would operate on a non-profit basis, has robust governance with a level of independent oversight and demonstrates broad support from liable parties/ producers.
	d. Provide advice to the Minister on appointing a PRO	<i>Agree</i>	
	e. Be required to act independently in discharging functions, powers and duties	<i>Agree</i>	
5. Setting detailed requirements	Develop and publish a. Information disclosure requirements b. Scheme specific design requirements c. Framework for setting and collecting scheme charges	<i>Agree</i>	
6. Registration and approval of regulated products	a. Establish and operate registration portal and categories regulated products	<i>Agree with caveats</i>	It is not clear whether the Government will set up the registration portal or require the PRO to set this up. Some countries have a government registration portal for packaging e.g. UK, France, Germany Ireland whereas other countries such as Canada and Belgium it is the PRO that operates the registration portal.

			We support a Government registration process which ensures that the online marketplace and importers must acquire register that they are a member of the PRO in order to place products into the NZ market. We recommend that the Ministry takes guidance from the EU on how to regulate the online marketplace, and that the onus must not be on the PRO to resolve. This registration system for the online marketplace could feed into the PRO administered portal.
	b. Approve products for sale in the scheme	<i>Agree</i>	
7. Monitoring and provision of advice on scheme performance	a. Undertake full review of scheme as required b. Monitor scheme performance c. Enforce obligations using improved CME tools d. Appoint auditors to support compliance monitoring e. Provide advice to the Minister as required	<i>Agree with caveats</i>	Compliance responsibilities should apply equally to PROs, producers, councils, and downstream processors. Monitoring powers should explicitly include access to information and data held by third parties in the EPR chain (e.g. collection/logistics providers, MRFs, recyclers) to verify compliance, validate reporting, and track outcomes. We recommend that the enabling legislation clearly states that CME tools must be prescribed in regulation rather than left to administrative discretion. The appointment of auditors should be the responsibility of the PRO's board with the Secretary responsible for appointing a 3rd party to conduct an independent review.
Producer Responsibility Organisation (PRO)			
8. Establishment	a. Secure funding to set up corporate office, systems and procedures	<i>Agree with caveats</i>	The PPPS scheme design identified the need for upfront funding before the scheme

			commences, which could be Government funds, members prepayment with fees offset, or build cashflow through starting scheme registration prior to commencing operational services. Restrictions on what these funds can be spent on should be minimised to enable a successful launch.
	b. Enter into arrangements with producers/importers/other relevant parties (e.g. take back service operators, councils)	<i>Agree with caveats</i>	Agree with PRO entering into arrangements with producers and importers however regulations must underpin this particularly with regard to the online marketplace.
	c. Set up relevant scheme logistics (e.g. establishing a return network and transport logistics or procuring counting and consolidation facilities)	<i>Agree</i>	PRO agrees service contracts with service providers prior to scheme implementation (Year 0)
	d. Enter into arrangement for recycling and/or reuse and / or repair of products and/or materials	<i>Agree</i>	PRO agrees service contracts with service providers prior to scheme implementation (Year 0)
9. Ongoing scheme operation	a. Promote the scheme and ensure participants have necessary information to participate in the scheme	<i>Agree</i>	The PRO to allocate a minimum % of its budget to deliver effective consumer education and behavioural change
	b. Coordinate and manage the scheme in compliance with regulations and requirements set by the Secretary	<i>Agree</i>	
	c. Manage financial elements of the scheme including: a. Setting scheme charges, and reviewing and updating as required b. Collecting deposits and/or scheme charges from producers and/or importers	<i>Agree with caveats</i>	Fees to be set by the PRO annually at the appropriate rate to fund the scheme's costs and to meet the scheme's objectives. Pay handling fees for collection and sortation services to local councils, the waste and recycling industry and others.

	c. Paying handling fees to return point operators d. Arranging payment of refunds directly or indirectly		Ongoing assessment and reporting of the receipt and use of fees by the PRO is essential to ensure that the fee structures are equitable and appropriate. We recommend PRO members are granted first right of refusal to purchase collected materials to support domestic circularity and reduce dependency on export markets.
	d. Manage sites required for scheme operations (e.g. consolidation and counting sites)	<i>Agree with caveats</i>	Agree but this also needs to extend to developing and implementing performance standards and quality guidelines for collection, sorting and recycling to be eligible for handling fees and reporting requirements.
	e. Arrange for transport and/or recycling and/or repair and/or reuse of specified products	<i>Agree</i>	
	f. Collect agreed information from scheme participants	<i>Agree with caveats</i>	We support this but recommend the obligation extend to downstream supply chain actors, including logistics companies, sorting facilities, and reprocessors, to ensure full traceability of material flows and recovery outcomes.
10. Reporting and advice	a. Provide regular reporting as set out in the information disclosure requirement b. Provide advice to the Secretary on specified topics c. Provide to the Minister (through the Secretary) on assessments of scheme performance, financials and forward projections	<i>Agree</i>	Recommend narrowing the scope of this provision as the phrase “specified topics” is too broad and risks being misused.
<i>Scheme participants (e.g. Producers, manufacturers, importers, retailers, return point operators, councils, MRFs, recyclers, consumers, exporters, online retail platforms)</i>			

11. Comply with obligations placed on them	a. First responsible suppliers are prohibited from selling their products unless they meet certain obligations	<i>Agree with caveats</i>	There is no definition of first responsible suppliers. This must clearly set out online marketplace and importers are regulated. We support proposals to allow NZ Customs to collect EPR charges. However, we would go further and advocate for EU-style obligations to ensure overseas sellers meet their EPR obligations on equal terms to domestic entities.
	b. Take back service providers and operators will be subject to obligations (e.g. to enter into service agreements with PROs covering payment of deposits, handling fees etc)	<i>Agree with caveats</i>	There is no reference to “kerbside collections” which would be included in the PPPS or other packaging materials schemes.
Ministry for the Environment			
12. Ensure appropriate compliance, monitoring and enforcement	a. Monitoring schemes and identifying noncompliance through a range of means b. Where noncompliance is identified, applying CME tools appropriate to the level and severity of offending using the tiered approach outlined in Table 2	<i>Agree with caveats</i>	That this includes compliance by the PRO, producers/liable parties and the councils, waste and recycling and reprocessors in fulfilling their roles and responsibilities.

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)?***

The Packaging Forum does not believe that there should be an automatic allocation of 50% of levy revenue to local government without stringent controls on expenditure. We support the Waste & Recycling Industry Forum's perspective that the Waste Minimisation Fund should be allocated to projects which align with the national waste strategy rather than on a per capita basis.

We understand that 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.

We see this as an interim measure however and recommend that a timeframe for review is set within the regulatory framework to ensure that as EPR is introduced moving the burden of payment to producers, the automatic allocation to councils is reassessed. This consultation paper emphasizes creating a modern EPR framework for New Zealand where producers pay for the full life cycle of their products and their packaging. For instance, under the PPPS, the PPPS would assume the costs from councils for collecting and recycling plastic packaging. Similarly, an all-packaging EPR scheme would cover costs related to collecting and recycling glass, metal, fibre, and plastic packaging.

As EPR schemes are implemented for e-waste, tyres, packaging, construction & demolition etc, it will be the responsibility of producers and the private sector to fund recycling. The new regulations should consider this comprehensively rather than adhering to a system established in 2008 designed to assist councils in managing waste.

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' WMMP.***

To avoid duplication of infrastructure and services operating in adjacent regions or operated by the private sector, the new regulations should include investment and prioritisation principles for allocating levy revenue.

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

Yes, we support managing emergency waste

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

No comment

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

No comment

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

Refer 4a above

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.**

The Waste Minimisation Fund should be allocated to projects which align with the national waste strategy and Emission Reduction Plan.

Further levy effectiveness considerations

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

We are unsure whether the blanket exclusion from the levy for W2E should be removed without the introduction of appropriate definitions for waste to energy. Not all W2E processes are equal. We would not expect advanced recycling/plastic to oil pyrolysis systems to be defined as W2E.

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

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?***

No. Reviews should be conducted every three years to ensure adaptability to market conditions.

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?***

No comment

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?***

No comment

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.***

No comment

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)?***

No comment

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?***

No comment

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

No comment

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?***

No comment

Stockpiling controls

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

a. ***an approval system with limits and conditions.***

No comment

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

No comment

c. ***a stockpile volume threshold limit.***

No comment

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

Yes, improved data collection is critical throughout the waste and recycling system.

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

No comment

Clarifying the role of central government and territorial authorities in the waste legislation

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

a. ***the Ministry for the Environment.***

The Packaging Forum supports the Ministry for the Environment and the Secretary having additional responsibility for EPR. In the proposed roles outlined in Table 4, most of the powers rest with the Secretary.

As outlined in our responses in Table 4, we would expect producers to be actively involved in identifying potential products for EPR.

In the PPPS scheme design recommendations, the report recommends that the government and its agencies is both regulator and enforcer with the responsibility to:

- Establish and maintain an appropriate and effective legislative and regulatory framework to create a mandatory EPR scheme for plastic packaging
- Implement penalties for producers and the PRO regarding non-compliance
- Set ambitious targets for the scheme by regulation, including recycling rate, recycled content requirements and reusable packaging
- Regulate the offshore marketplace
- Regulate out harmful chemicals in packaging
- Withdraw accreditation should this become necessary
- Hold the PRO to account – monitoring compliance

b. ***the New Zealand Customs Service.***

Yes, we support improving the NZ Customs Service role to support the EPR framework. We support enhancing NZ Customs Service's role in the EPR framework, including sharing data with the Ministry and collecting relevant charges.

We endorse the PPPS scheme design report recommendations that the Government puts in place regulations to manage offshore based marketplace.

In 2024, 91% of all e-commerce shipments entering the EU came from China and their volume has more than doubled between 2023 and 2024 from 1.9 billion to 4.17 billion items. To address this, the European Commission proposes customs reform and the effective application of existing producer responsibility roles.

Examples of countries regulating online marketplace:

Germany: Manufacturers selling packaged products through online marketplaces must register with the Central Registry and provide their registration number to the marketplace. They must also join a compliance scheme and report packaging volumes. When Germany initiated this regulation, an estimated 500,000 Chinese companies registered with the Central Registry.

France: Obligated producers must register with the relevant compliance scheme to obtain a Unique Identification Number (UID) for each applicable waste stream. This UID(s) must then be provided to online marketplaces. Producers will receive their UIDs from the French authority, ADEME, once registered with a compliance scheme.

We recommend that NZ Customs collaborate with European counterparts to put in place the appropriate framework to ensure compliance.

c. ***territorial authorities?***

Yes, with caveats.

In addition to the proposed changes, the legislation should refer to the role of councils within an EPR framework. Under a packaging EPR scheme, councils would / could be contracted by the PRO to fulfill household recycling services. There is no reference in the proposals to how EPR will impact how waste is collected and funded in New Zealand.

The PPPS scheme design recommends that local government should have the following responsibilities:

- Deliver waste minimisation services as a public good function and in this respect, work with the PRO
- Contract with the PRO to manage the kerbside collection system
- Provide where appropriate additional infrastructure to collect other materials with the cost-of-service delivery funded by the PRO
- Work with the PRO to educate residents on how to recycle their packaging
- Report on the tonnes collected

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?***

No. We advocate for more control over the automatic allocation of the waste levy.

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

discretion?

Unsure. This could present conflicts of interest for members of the WAB if the industry sees them as lobbyists.

Modernising the existing compliance 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, comprehensive data capture is critical to EPR and waste minimisation.

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

We support a tiered approach to compliance, covering both EPR and levy requirements.

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.

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

Yes. The Packaging Forum has commissioned *Be a Tidy Kiwi* to conduct litter audits and surveys. We note that Government funding for these activities by *Be a Tidy Kiwi*, *Sustainable Coastlines* and *Keep New Zealand Beautiful* has been withdrawn and we recommend that if litter is included with the WMA, these organisations and other similar organisations could receive funding through the WMF to conduct audits and surveys.

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

Yes

Roles and responsibilities

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

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

No comment

- 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?

No comment

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

No comment

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?***

No. We consider the provision of public place recycling and rubbish bins to be a core council service and one that is expected by the community.

Over the past decade, the Packaging Forum has allocated around \$1.4 million to support projects which increase the availability of public place recycling and rubbish facilities and to education and research programmes. This includes introducing over 390 colour coded standardized recycling and litter bins in 28 regions. Over this period, we have seen a reduction in “binrastructure” installed by councils with councils removing their public place recycling bins citing contamination and cost of service.

Research conducted in March 2024 found that:

- **59%** (2,426,000 adults) had seen colour-coded bins.
- **81%** found the colours and signage made bins easier to use.
- **37%** said they would walk up to 10 metres to find a bin.

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

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

- 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, assuming the ratepayer supports the funding allocation.

- 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

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

No comment

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

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

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

Yes

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

Yes

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

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

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

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?

Yes