

# Update on the Waste Bill and Implications for Waitakere City Council

With Commentary on the Roles of the Ministry for the  
Environment and other stakeholders

Report to Waitakere City Council Planning and Regulatory Committee  
Prepared by Envision New Zealand  
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## 1. Introduction

This report provides a brief background into the Waste Minimisation and Resource Recovery Bill currently before the Select Committee for Local Government and the Environment and its implications for Council.

It also examines the roles Council, the Ministry for the Environment and other stakeholders have played in the development of the bill prior to and since it was pulled from the ballot box, and draws conclusions on:

- The opportunities the bill presents for council
- The culture of the Ministry for the Environment and its effect on stakeholders
- The Packaging Council of New Zealand's role as Secretariat for the Packaging Accord

## 2. Background to the Waste Minimisation and Resource Recovery Bill

### 2.2. Labour's 1999 Manifesto

The current waste bill has its roots in Labour's 1990s manifesto<sup>1</sup> which stated that; *Labour will establish a New Zealand Waste Reduction Working party, funded by a modest landfill levy, to be collected by the owners of all landfills, and serviced by the Ministry for the Environment.*

(See appendix 1. for additional statements from Labour's 1990 manifesto)

### 2.3. The Waste Reduction Working Party

Within a short time of Labour coming to power, the Ministry for the Environment invited a group of 13 "experts"<sup>1</sup> on to a renamed **Waste Management and Minimisation Working Party**. It soon became clear that the Working Party was merely an adjunct to the workings of the Ministry rather than an independent group with standing and resources (via the proposed "modest levy"). The Ministry managed and controlled the working party's activities closely including pre-empting the task of electing a chairperson by employing their preferred candidate, Martin Ward prior to the first meeting of working party members. The writer's recollection as a member of the working party was that on receiving the final draft from the MFE, most members expressed their exasperation that the Ministry had not listened adequately to the input from the working party, as one member put it, "we might as well have not been here" .

### 2.4 The Battle for the Landfill Levy

In spite of Labour's promise to introduce a landfill levy to, among other things, fund the work of the working party, MFE officials made it clear that there was "no political will" for such a

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<sup>1</sup> Members of the Working Party were: Jim Bradley, Steve Donnelly, Rob Fenwick, Barry Harris (Deputy Chair), Annie MacDonald, Ann Magee, Keri Piahana, Don Resiterer, Warren Snow, Richard Thompson, Martin Ward (Chair), Jim Watt, John Webber.

levy. This effectively set the scene for a long struggle by disappointed councils, businesses and community groups who had waited with anticipation for funds to implement the policies outlined in the 2002 NZ Waste Strategy (which are further outlined in section 3).

## 2.5 The 2002 New Zealand Waste Strategy

The major output of the **Waste Management and Minimisation Working Party** was the New Zealand Waste Strategy. The much anticipated strategy with a vision of “Towards Zero Waste and a Sustainable New Zealand” was released in 2002. It was a compilation of world best practice concepts, policies and targets that if fully implemented could have had a significant impact on the way waste was managed in New Zealand.

The strategy’s lofty vision and three core goals<sup>2</sup> were underpinned by national non-binding targets for organic, special, construction and demolition and hazardous wastes – as well as for waste disposal. The following five core policies formed the basis for action:

1. A sound legislative basis for waste minimisation and management
2. Efficient pricing
3. High Environmental Standards
4. Adequate and Accessible Information
5. Efficient Use of Materials

The almost universal cry from Councils, industry and community groups was that the strategy vision, values and targets were not backed up with empowering legislation – that “it had no teeth”. Attempts by Councils, businesses and groups to convince the Ministry that the strategy was not providing the outcomes they had anticipated seemed to fall on deaf Ministry ears, even more so once new Chief Executive officer of the Ministry for the Environment, Barry Carbon was appointed in July 2002.

Mr Carbon made one of his first tasks the restructuring of the Ministry and priorities changed with waste virtually falling off the list – partly no doubt because the NZ Waste Strategy was in place and that box was ticked.

Councils now had a national waste strategy that in spite of its well intentioned vision provided no relief from the rising costs, volumes and effects of waste, and a Ministry that was largely disengaged from the issue – albeit a critically important one to Councils.

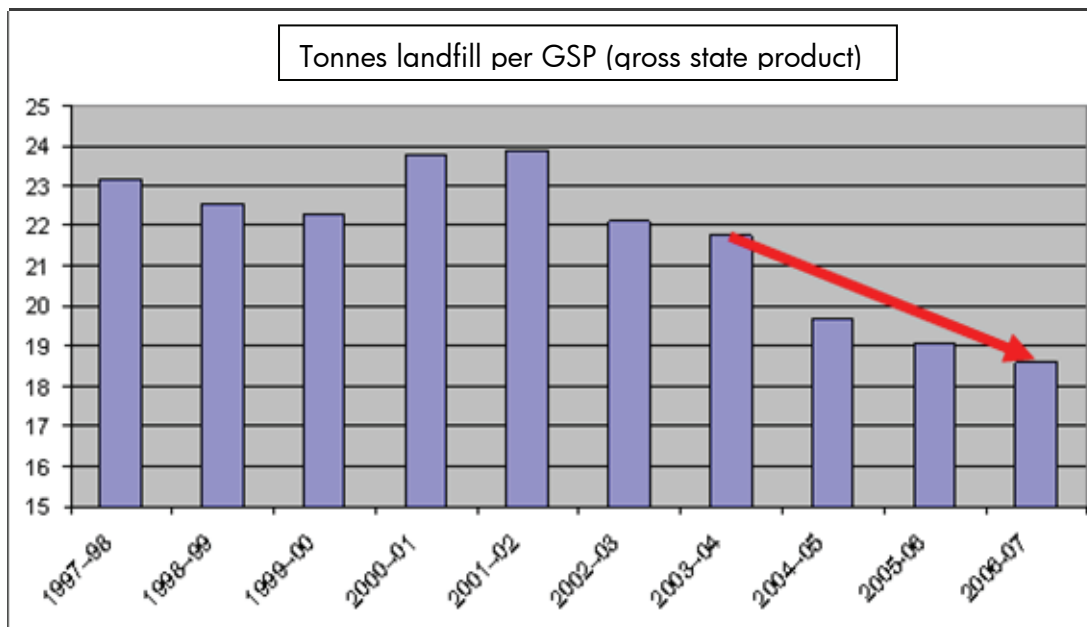
## 2.6 South Australia and New Zealand – Same Strategy –Different Outcomes

In 2002 South Australia decided to put in place a new waste strategy and on 1 July 2003, the Office of Zero Waste South Australia was created by proclamation under the Public Sector Management Act 1995. The new Waste Authority reviewed the NZ Waste Strategy and felt that there was no need to reinvent the wheel. They adapted it to their own situation with

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<sup>2</sup> The three core goals of the NZ Waste Strategy are: 1. Lowering the social costs and risks of waste, 2. Reducing the damage to the environment from waste generation and disposal. 3. Increasing economic benefit by more efficient use of materials.

vastly different outcomes to those of New Zealandii. The main difference between the two approaches was that South Australia backed up their version of the NZ Strategy with legislation and action. The result has been a reduction in waste to landfill since 2002. Importantly, as illustrated in graph 1. below, South Australia has decoupled economic activity and population growth from waste production.



Graph 1: Shows how South Australia has decoupled waste production from economic growth

Meanwhile the limited data available in New Zealand suggests that the volumes and costs of waste are still going up.

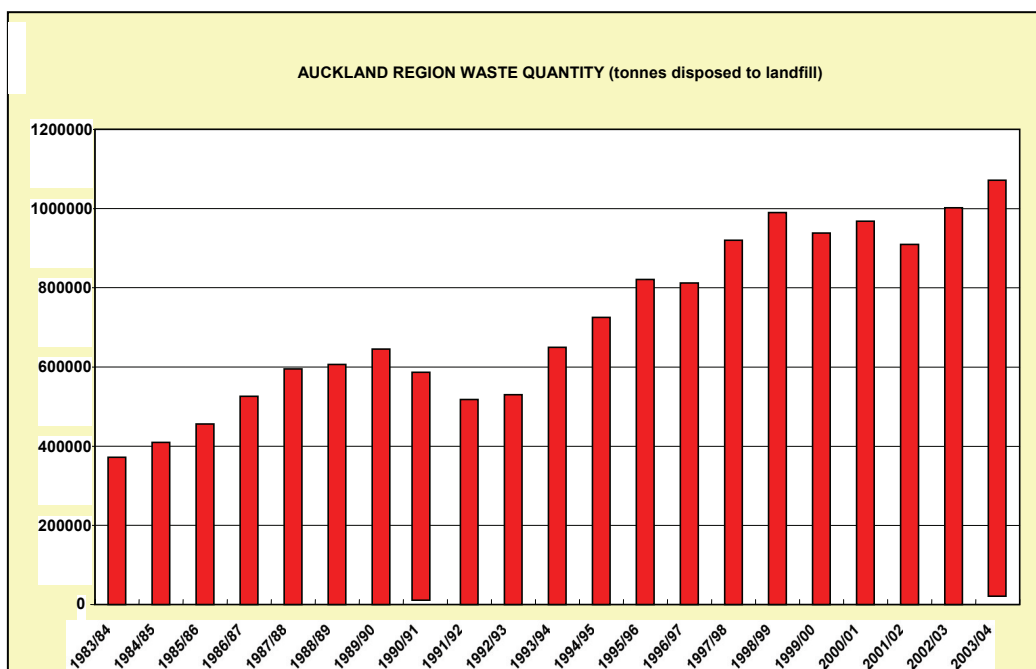
1. Data collated by the Auckland Regional Council on Auckland regional waste volumes (see graph 2.), showed that waste had increased almost threefold, from just under 400,000 tonnes in 1984 to over 1,050,000 tonnes in 2005.
2. A study<sup>3</sup> carried out in July 2005 by Envision for Auckland Local Authorities estimated that Aucklanders spent \$162 million in 2005 to dispose of their waste. At the same rate of growth of the previous 20 years, Auckland could expect to be paying over \$280 million per annum to get rid of its waste by 2026.
3. The New Zealand Waste Strategy 2002 stated that 1.67 tonnes of waste is generated per person each year in New Zealand.
4. The Environment Ministry's report Environment New Zealand 2007 showed household consumption rose 39 percent between 1997 and 2006 while the population rose just 11 percent.

<sup>3</sup> Reclaiming Auckland's Resources, Envision, July 2005

5. A recent article in The Press<sup>4</sup> claimed that the results of our increased consumerism can be seen at the nation's rubbish dumps with an estimated 8.7 million tonnes of solid waste generated in 2006 - more than 1500kg of waste for every person.

## 2.7 The Urgency for Change

Two years ago a WWF report found that Earth's natural resources were being used 25 per cent faster than the planet could renew them. The report said "large-scale ecosystem collapse" was likely by the middle of the century. In this context, finding solutions to our unsustainable patterns of production and consumption would seem urgent – yet the MFE's inability to capture the political and public mood for change as evidenced in 1999 and provide the necessary leadership has resulted in 9 years of squandered opportunity and in spite of all the reports, road shows, conferences and additional Ministry personnel, minimal tangible results. Brian Fallow perhaps summed it up for many in a NZ Herald article<sup>5</sup>, where he outlined the range of economic instruments, including CDL, that could be applied for reducing waste, he wrote, "in the face of such examples, the Ministry for the Environment has done.... well, nothing really".



Graph 2: Auckland Region Waste Quantity (Provided by Auckland Regional Council)

<sup>4</sup> Stomping all Over our Environment, The Press, 25<sup>th</sup> February 2008

<sup>5</sup> in the Herald of July 13<sup>th</sup> 2006

## 2.8. The Greens Waste Bill

The Waste Minimisation (Solids) Bill<sup>iii</sup> was originally drafted and placed in the ballot by former Green Party MP Mike Ward. It was subsequently re-entered by Nandor Tanczos MP and drawn in May 2006. The Greens Waste Bill put waste squarely back on the national agenda and created a new opportunity for Councils to advocate for the legislative support that was missing with the 2002 Waste Strategy.

In June 2006, the Bill passed its first reading with Green, Labour, Maori Party and New Zealand First support. It went to the Local Government and Environment Select Committee, which received wide and varied submissions from the public.

## 2.9. The Supplementary Order Paper (SOP)

In September 2007 the Green Party and the Government announced joint amendments to the Waste Minimisation (Solids) Bill. A Supplementary Order Paper (SOP) was introduced to the Select Committee which introduced the following changes to the Bill:

1. Renamed the bill as the **Waste Minimisation and Resource Recovery Bill**
2. Retained the **Waste Levy** and set it at \$10 per tonne of waste to landfills, with regulatory power to increase this over time and with funds to be recycled into Waste Minimisation initiatives in the public, private and community sectors.
3. Replaced the original Bill's term of an 'Extended Producer Responsibility' scheme with a **Product Stewardship Scheme** that called for a list of priority products that would require relevant stakeholders to design a scheme to address the end-of-life collection, recycling and disposal of that product, and the waste associated with the product over its life, including in manufacture and packaging.
4. Replaced the **Waste Control Authority** part of the original Bill, with a **Waste Advisory Board** to advise the Minister on the effectiveness of the levy and how it should be dispersed, and on elements of Product Stewardship such as priority product lists and scheme design. The Board to be comprised of people with strong records in waste management, enterprise, public sector and community groups.
5. Removed the provision for certain wastes to be banned from landfills.
6. Removed the requirement for every organisation to develop a waste minimisation plan.

## 2.10. Where the Bill is at

In February this year, the Select Committee heard additional oral submissions from invited submitters on the SOP. A departmental report from the Ministry for the Environment summarising submissions on the bill in the context of the SOP has recently been received by

the Select Committee. The Select Committee will send the bill back to Parliament in April to await its second reading.

### 3. Waitakere City's Role

Waitakere City Council has gone to significant effort and cost in advocating for effective waste policies, both before and since the 2002 New Zealand Waste Strategy was released.

Council has led the way in what has been a drawn out process for achieving effective waste policies that serve the needs of councils and that give business the certainty and level playing field it needs to be able to invest in change.

Other councils and organisations have also put in considerable time and effort, but have found that the political commitment as evidenced in Labour's 1999 manifesto was not always shared by Ministry for the Environment officials.

The fact that councils and in particular Waitakere City Council have needed to put such time and effort into advocating for progressive waste strategies, suggests that advocacy for change by Local Government New Zealand and the Ministry for the Environment was at best weak and at worst non existent.

#### 3.1. Watching Brief on the passage of the Waste Bill

Waitakere City has kept a watching brief on the progress of the waste bill. Given the significant lobbying of vested interests associated with in particular the packaging industry who have sought to lock out the input of the public in matters relating to the regulation of packaging waste, Waitakere's role has been to the benefit of the wider community beyond it's own borders.

#### 3.2. Collaboration with North Shore and Rodney Councils

In 2004 Waitakere joined with North Shore and Rodney Councils to form the Northern Sector Group to pursue a cooperative approach to waste policy work including a waste bylaw that would give power to collect a waste levy. In 2005 the three councils passed a new waste bylaw which included a waste levy. A senior MFE employee wrote at the time of the benefits of retaining ownership or control of waste facilities and the effectiveness of waste levies and the then Minister of Local Government, Chris Carter applauded the joint bylaw. The Auckland CEOs Forum subsequently proposed a regional waste levy to be administered by a regional funding agency.

It is well known that Waste Management and Carter Holt Harvey successfully challenged the levy which was quashed in February 2006 in the High Court. This result also had the consequence that Christchurch City was forced to repay levies collected under their bylaw and was no longer able to collect levies which were used to fund local waste minimisation efforts.

The 2001 Tax Review<sup>6</sup> was also supportive of local eco-charges, stating that: *Where.... Environmental concerns are highly localised, as they currently appear to be in New Zealand, measures such as carefully designed eco-charges applied at the local level represent potentially sound policy.*

The tax review, perhaps influenced the MFE's decision to halt work on a national landfill levy in 2002, but MFE gave little support for the Northern Sector Group's attempts to introduce a local levy in lieu of non-action at the national level.

The financial implications of the High Court ruling that quashed the proposed waste levy by-law was so significant for councils that considerable pressure was placed on the then local government Minister Mark Burton to act. The minister tried to comfort LGNZ metro sector that the local Government reform bill would address the problem of the financial implications of the high court decision.

Unfortunately he was unaware that the MFE had already advised against Waitakere City Council's submission on the Local Government reform bill to amend the ambiguities in the act giving councils the power to levy.

The challenge for stakeholders was to reach agreement on waste levy design that would allow the Minister to find the legislative vehicle to deliver it. The Green's Waste Bill may not have passed its first reading had the High Court decision and subsequent ministerial involvement not occurred.

### 3.3. Advocating for Product Stewardship

Waitakere City Council has also supported investigations into the effects of voluntary efforts by industry on junk mail volumes and a report by Envision<sup>7</sup> outlining a model for the re-introduction of refundable deposits on beverage containers in New Zealand which was also supported by 10 other councils.

### 3.4. Implications for Waitakere City of the Waste Bill

It is probable that the SOP will be accepted or changed at least in part by the time it is passed. Key implications for Council follow:

- The long awaited landfill levy is sure to be adopted, with 50% available for local authorities. These funds are not likely to be automatically available. They will most likely be allocated on a contestable basis and largely for new initiatives. It is unlikely that levy funds will be available for existing activities – which could result in potential impacts on Rates.
- The Waste Advisory Board will most likely be established. It will be serviced by the MFE as the original working party was intended but will have direct access to the Minister for the Environment. The main implication for Council of the proposed Waste

<sup>6</sup> McLeod et al., 2001

<sup>7</sup> The Incentive to Recycle, Envision New Zealand, 2007

Advisory Board, is that as an independent voice it has the potential to ensure a better balance between the needs of industry and community expectations.

- Product waste will receive more attention with the expectation that industry will be required to take more responsibility for end of life disposal and associated costs of the products they put into the market. There are provisions for both voluntary and mandatory product stewardship schemes to be accredited. The public will be able to have input into which products make the priority list for required product stewardship schemes. However, Council must maintain vigilance against more years of lip service to product stewardship. Unless there is strong leadership from the MFE, product stewardship programmes might lurch on in their current form with industry influence prevailing over that of Local authorities and other stakeholders.
- Councils will be required to prepare Waste Management Plans and there is scope for two or more councils to prepare joint Waste Management Plans
- A definition of waste is to be included. Consistent with WCC's court of Appeal case and submissions on the bill, the implication of any definition of waste is that Councils will need to review their bylaws to ensure consistency with the new legislation.

#### 4. The Role of Environmental Groups

A number of environmental groups including Friends of the Earth, Greenpeace, Forest and Bird, ECO WWF, etc. have advocated for many years for action on waste –most calling particularly for action on packaging waste. The CRN (Community Recycling Network) an association of community businesses has also recently formed. Because many of its members are recycling operators, the CRN has a sound understanding of waste issues and logistics and have used their new platform to promote progressive waste policies at the local and also the national level.

But others, such as KNZB (Keep New Zealand Beautiful) and Zero Waste New Zealand have put little effort into fighting for real change – a reflection perhaps of a desire not to offend existing or potential funding sources. Zero Waste New Zealand has come out at different times both against and in favour of CDL and KNZB, since adopting CDL by an overwhelming majority at their September 07 AGM, has failed to announce it publicly. It is notable that corporate members of KNZB such as British American Tobacco, Wrigleys and the Glass Packaging forum were among the minority that voted against the remit. It is also notable that corporate member, Coca Cola withdrew their sponsorship of the KNZB newsletter shortly after the AGM. The latest newsletter no longer bears Coca Cola's insignia.

In 2003, the New Zealand Business Council for Sustainable Development published a report on the benefits of economic Instruments for motivating sustainable behaviour<sup>8</sup> which stated, *The great promise of incentive-based approaches is that they can help to reconcile conflicting objectives, by making it easier to achieve all of them. This is because; while incentive based policies are firm about the desired outcome, they are flexible about how to get there.*

<sup>8</sup> NZBCSD, 2003

However, in spite of these comments, the NZBCSD has allowed itself to become a tool for the beverage and packaging industries who are lobbying against the potential introduction of CDL (Container Deposit Legislation) by conducting a ShapeNZ<sup>9</sup> poll into CDL with questions framed in such away as to achieve the result they wanted – that the public of New Zealand give a “thumbs” down to CDL. Given that NZBCSD member, Coca Cola fights worldwide against policies such as CDL that hold them responsible for their waste products, this is not surprising. But it reflects badly on the impartiality and professionalism of the New Zealand Business Council for Sustainable Development.

## 5. The Roles of the New Zealand Packaging Council and the Packaging Accord

Any discussion on New Zealand’s waste strategies since at least as far back as the mid 90’s would be incomplete if it didn’t refer to the New Zealand Packaging Council’s exceptional success at avoiding responsibility for the waste their members collectively put into the New Zealand waste stream.

### 5.1. The Packaging Accord – a Brief History

The first voluntary Packaging Accord between the Government and the New Zealand Packaging Council was signed in 1996 in response to public concerns at the rise of packaging waste with a proviso that if it didn’t reduce packaging waste, Government would legislate.

Eight years after the signing of the first Accord, a second voluntary Packaging Accord was signed on August 10th 2004. The signatories were the Minister for the Environment and the New Zealand Packaging Council. Local Government New Zealand and the Recycling Operators of New Zealand were endorsing parties to the Accord.

As with the 1996 Accord, the 2004 Accord takes a voluntary approach with little to compel producers to reduce packaging waste. Voluntary agreements have been shown around the world to be ineffective and susceptible to manipulation by the industries they are supposed to regulate.

There are no penalties for non performance although the Accord states that, *“If a voluntary approach does not provide sufficient gains in design, packaging waste reduction and demonstrable adoption of product stewardship, the Government is prepared to consider mandatory regulation measures”*. This is, however, more or less what the Government promised with the first Accord.

The reward for the Packaging Council for achieving virtually nothing in terms of the packaging waste reduction that the public have so consistently called for, has been considerable financial support from and a particularly close relationship to the MFE, the only agency charged with the responsibility for holding them to at least some account for the waste burden they impose on communities around the country.

Some things the NZ Packaging Council has done very well. Advocating for the interests of it’s members through PR, Media releases, lobbying politicians, councils, education kits extolling

<sup>9</sup> Reported on the NZBCSD website [www.nzbcscd.org.nz](http://www.nzbcscd.org.nz) 10<sup>th</sup> July 2007

the virtues of packaging, attending conferences, issuing awards and declaring in public forums that packaging is such a small percentage of the waste stream that we would be better worrying about other more important issues. All this while funded by the New Zealand Government to act as the "Secretariat" to the New Zealand Packaging Accord Governing Body.

It would be remiss to ignore the achievements of the Glass Packaging Forum – a voluntary initiative which levies glass producers and importers to create a fund to support uses for glass. However Morgan Williams, former Parliamentary Commissioner for the Environment, issued a caution<sup>10</sup> as to the potential longevity of the glass levy without legislative back up, because of the potential for large glass producers to withdraw in the future, thus altering the competitiveness of remaining participants. Additionally, it would be inefficient and costly to set up different product stewardship programmes for each commodity type when under a sweeping product stewardship programme such as CDL all commodities would be included.

It is not just the author who claims that the first Packaging Accord failed to achieve any real outcome, but the also the MFE themselves who admitted (in the 2002 New Zealand Waste Strategy) that under the first Accord, "... the total quantity of packaging waste has increased".

Although informative it is puzzling, as to why the MFE, having stated that packaging waste had increased under the first Voluntary Packaging Accord, negotiated a second - with no independent evaluation of the first. It is also a warning to be vigilant when the current Packaging Accord expires in 2009.

This relationship with the MFE continues to bear fruit for the New Zealand Packaging Council with rumours of a third Packaging Accord being proposed and preliminary discussions already taking place between the packaging industry and the MFE. These negotiations seem to have been occurring even as the Select Committee has sat receiving submissions from organisations who at their own expense and in good faith were putting their cases for change.

It is unclear at this point if the Select Committee has been aware of these discussions for a third voluntary Packaging Accord. Regardless, early investigations indicate that submitters with an alternative view to that of the packaging industry stakeholders and the MFE were not invited to participate in these discussions.

It is revealing to note that in their submission to the Select Committee of October 31st 2007, the New Zealand Packaging Council sought to eliminate the voice of the public in setting

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<sup>10</sup> Changing Behaviour, Economic instruments in the Management of Waste, Parliamentary Commissioner for the Environment, 2006

priority products under new product stewardship legislation in the waste bill with the following recommendations<sup>11</sup>

- On enactment of the SOP, publish in the Gazette a list of recognised voluntary product stewardship schemes and grant those schemes amnesty from the priority product list and regulation (as laid out in clause 19 of the SOP) for the duration of those schemes.
- Remove 'public concern' from the definition of a priority product to give industry confidence that sound science and economic and environmental benefit will be the only criteria, not unfounded public fears.

In the view of the author, these recommendations amount to an attempt by the NZ Packaging Council to bypass and undermine the democratic processes and undermine the efforts of many other stakeholders who are not around the table during the current negotiations with MFE.

## 6. The Role of the Ministry for the Environment

Any analysis of the period between the release of the 2002 New Zealand Waste Strategy and the expected adoption of the Waste Bill by Parliament in 2008, must examine the central role that the Ministry for the Environment has played. When comparing the progress of New Zealand and South Australia and the cause of New Zealand's lack of progress the questions must inevitably be asked:

- Why has it taken so long for New Zealand to introduce best practice policies including economic instruments for managing waste that communities have been calling for over a decade?
- What influences have caused this delay?
- Has the Ministry worked in the best interests of the environment and communities around New Zealand who have long awaited change, or for some reason has it held up change? Or has the MFE become too close to the waste producing industries and their lobbyists whose goal is to resist change?

It is difficult to answer these questions definitively because although there is much anecdotal evidence of the Ministry's go-slow approach to change and preference for the viewpoint of industry over that of communities who are forced to clean up their waste, there is little hard evidence.

However there is some evidence to at least hint at a historical culture of resistance to change within the Ministry leading right up to the present. Some examples since 1999 follow:

- Undermining of the Labour Government's commitment to the "modest landfill levy" promised in their 1999 manifesto.

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<sup>11</sup> Submission by the NZ Packaging Council to the Select Committee on Local Government and the Environment, on the Supplementary Order Paper to the Waste Minimisation Bill. Recommendations, 1.7 to 1.8. Page 4 and 5.

- Renaming **The Waste Reduction Working Party**, the **Waste Management and Minimisation Working Party**, thus subtly redirecting its emphasis to favour waste management over waste reduction.
- Unilaterally disbanding the Waste Management and Minimisation Working Party, well before it had carried out much of the work it was originally intended for.
- Terminating in 2002 all work on the landfill levy in spite of overwhelming industry, community and political support during submissions on the NZ Waste Strategy.
- Ignoring requests for information by the Parliamentary Commissioner for the Environment<sup>12</sup>, such that he had to resort to using his powers under the Environment Act 1986, stating that *"I regret having to take such a formal approach to seeking information from your team; the first time in my eight years as commissioner."*
- Advising the Parliamentary Commissioner for the Environment that, *"neither economic instruments nor regulation would be introduced by the Ministry to manage waste unless industry wanted these policy tools to be used"*. A Herald article by Brian Fallow<sup>13</sup>, perhaps summed up the wider sentiment and frustration at the time by saying; *"if this is the Ministry's position. It sounds too good to be true from industry's point of view"*.
- Conducting non-transparent closed shop negotiations with different players in such a way that has undermined the good intentions and work of submitters on the New Zealand Waste Strategy and the current Waste Bill. In the author's view such closed shop negotiations with stakeholders such as the Packaging Council could breach standing orders, given that the Ministry have formally told at least one local authority that *"the appropriate channel now for getting information to the Select Committee is to send it to the Clerk of Committee, Peter Hoare as the Ministry is bound by procedures that do not allow us to engage with stakeholders without the permission of the committee."*
- Negotiated a second Packaging Accord between the Government and the New Zealand Packaging Council without evaluating the performance of the first Accord. This in spite of MFE stating (in the NZ Waste Strategy) that under the first Accord, *"... the total quantity of packaging waste has increased"*.
- Attempt by a Senior MFE staff member to discourage a key person not to join a study tour to South Australia to investigate Container Deposit System.
- Recent comments at a Select Committee that could be interpreted as an attempt to persuade a submitter (the author) to avoid criticism of the ministry.
- Declined to investigate CDL (Container Deposit Legislation) or provided the Select Committee with any analysis of its advantages in spite of a large number of submissions in favour of this form of product stewardship for recycling beverage containers

<sup>12</sup> The Parliamentary Commissioner for the Environment, Morgan Williams requested the information for his report, Sticks and Carrots, tabled in Parliament in July 2006.

<sup>13</sup> Rubbish Drive Lacks Bottle, NZ Herald, July 13th 2006

## 7. Conclusions and Recommendations:

### 7.1. Opportunities Presented by the Waste Bill for Council

The leadership provided by adoption by Government of the Waste Minimisation and Resource Recovery Bill should have a significant positive outcomes for Council. It will favour proactive attitudes within the MFE and within local authorities and community groups who have again the potential to work together for a common cause.

The revised Waste Bill presents significant opportunities for Waitakere City Council. These include:

- A greater emphasis on waste reduction at source and resource recovery
- Funding for new initiatives from the waste levy,
- Ability to recommend priority products for required product stewardship schemes
- Ability to work with industry to encourage accredited voluntary product stewardship schemes that will in turn create more efficient businesses.
- Ability to create joint waste management plans with other TLAs
- The benefits of the independent Waste Advisory Board including a potential role on the Board
- A clear definition of waste and better information required from operators of waste facilities

There are also risks to Council. Firstly in regard to the Levy, it will not be known until the final reading in Parliament of the Bill that the agreed position struck between Government, Local Authority and Waste Industry Stakeholders in 2006, that Councils will receive back at least 50% of the landfill funds to support local waste minimisation initiatives will be retained. Councils will be financially disadvantaged if they only receive funding for new as opposed to the agreed position of being able to fund current waste minimization initiatives.

A stated earlier Council must maintain vigilance against more years of lip service to product stewardship. Only strong leadership from the Government will ensure that products of high public concern reach the priority list and are dealt with appropriately industry wide with no free loaders.

There is the risk that industry influence will prevail over that of Local authorities and other stakeholders in all matters relating to the new waste environment, once the bill is passed. Council's voice will help ensure that there is a fair balance between potentially conflicting interests

Finally there is a risk that a 3rd Voluntary Packaging Accord is signed without Local Authority Stakeholder participation. Again Council's voice will be critical to ensuring that wider range of stakeholders are at the table during negotiations and in the management of any outcome.

## 7.2. Time to examine and change the Culture of the MFE

Significant amounts of time and money have been wasted by Waitakere City and other Councils since the release of the New Zealand Waste Strategy in 2002. Whilst this reports places much of the blame for this lack of progress on the MFE, there are no doubt many committed and capable staff who want to make things happen and a lot of good work is being carried out by the Ministry in many other areas and even in the waste area. However the purpose of the commentary in this report is to draw attention to the negative aspects of the Ministry culture that need righting and unless this occurs similar problems are likely to arise again in the future.

There is sufficient evidence to support the claim that the MFE has favoured industry stakeholders over and above local authorities and various community organisations since the release of the 2002 New Zealand Waste Strategy, right up to the present time. The cost has been too great not to expect change.

**The MFE must closely examine its culture with the aim of aligning it more with the needs and expectations of the wider community and the environment. This will involve careful engagement and consultation with a wider range of stakeholder groups – possibly through a stakeholder engagement group.**

## 7.3. The need to separate the NZ Packaging Council and Packaging Accord Secretariat roles

It is clear that an industry group such as the New Zealand Packaging Council have quite different interests and drivers to that of the wider community. The Packaging Council is focused on a safe business environment for its members who generate the packaging waste, whilst the wider community has a strong desire to significantly reduce packaging waste, even if it might impact to some degree on the business of some Packaging Council members.

As always competing interests must be balanced, but as long as the NZ Packaging Council acts as the Secretariat for the Packaging Accord Governing Council, the needs of the wider community will continue as they have for over 10 years, to come second to those of industry stakeholders. This is clearly evidenced by the attempt by the NZ Packaging Council in their submission to the Select Committee, to remove "public concern" from the definition of a priority product.

The New Zealand Packaging Accord Structure and the makeup of its Governing Board should be reviewed and redesigned to meet the desire of the past Governments and presumably the present one and the public for authentic action on reducing packaging waste.

It would be a travesty of justice and an abandonment of the principles of democracy if a 3<sup>rd</sup> Voluntary packaging Accord was negotiated out of the full view of the public and without a full and fair independent examination of the alternatives such as Container Deposit Legislation.

**Regardless, packaging and in particular beverage packaging waste is a waste type of high public concern and such significant quantities, that It should become a priority waste.**

**Simply put it is time to put the Accord under the spotlight, to independently audit it's performance and ensure that any agreement with Government in future is not captured by narrowly focused commercial interests.**

## Appendices

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### **i From the Labour Party's 1999 manifesto**

#### **A Waste Reduction Working Party**

Labour will:

Establish a New Zealand Waste Reduction Working Party, funded by a modest levy, to be collected by the owners of all landfills, and serviced by the Ministry for the Environment.

This body will comprise representatives from the Ministry for the Environment, regional and territorial local government, industry, environmental groups, specialist groups, Maori interests and the community.

The Landfill Levy will be phased in over the same timeframe as the shift to full cost recovery on waste.

The Working Party will implement the principles, timetables and targets of Labour's policy. It will fund relevant research, promote waste technology transfer, examine overseas projects and trends fund investigations into industrial waste reduction. Establish voluntary targets for waste reduction with industry groups, analyse waste markets and employment opportunities, advise government and local government on how best to promote reduction, re-use and recycling, and monitor changes to the size and composition of the waste stream.

The working party will work with Cleaner Production functions within Industry New Zealand to ensure that waste minimisation is an integral part of the overall industry strategy. Waste minimisation represents an economic opportunity; waste production is often economically inefficient.

### **ii South Australia's Waste Strategy 2005 - 2010**

South Australia's first State-wide waste strategy was been released in 2004. The strategy aimed to ensure a healthy environment for South Australians into the future.

State and Local Government agencies, the waste management industry, business and the community where involved in helping Zero Waste SA to develop the waste strategy and guide the way in which waste is managed in South Australia.

The strategy established waste reduction goals and targets for South Australia and set out a range of strategies and steps to achieve these goals and targets.

The five year strategy focused on five key objectives:

- **Foster sustainable behaviour** - simply providing information will not influence people to recycle or re-use material or resources in a sustainable way.
- **Less waste** - achieving substantially less waste going to landfill in South Australia means that materials must be redirected towards more beneficial uses.
- **Effective systems** - South Australia needs to establish, maintain and increase the capacity of recycling systems and re-processing infrastructure in metropolitan and regional areas.
- **Effective policy instruments** - economic, regulatory and other policy measures must be introduced to give the necessary traction in the market place to encourage avoidance, reduction re-use and recycling of waste.
- **Successful cooperation** - targets of this and future strategies will only be reached with the successful cooperation of a range of stakeholders.

The Strategy also set key material and recycling targets for each waste stream.

### iii The Greens Waste Bill

The original Greens waste bill aimed to set in place the following:

#### *1. A Waste Minimisation Authority*

This would have an educational and facilitation role and provide advice to the Minister. It would set and monitor targets for reducing the amount of waste to landfills, cleanfills and incinerators, approve and monitor Extended Producer Responsibility programmes and administer the landfill levy.

#### *2. Waste Control Authorities*

Territorial authorities would constitute, either individually or jointly, Waste Control Authorities. They are empowered to enforce requirements of this Bill through bylaw-making and licensing provisions.

#### *3. Bans of materials to landfill*

Phased in bans will be introduced for materials which can be recovered, but only where systems already exist, diverting them from waste disposal facilities and using them more productively.

#### *4. Landfill levy*

The Bill creates a levy on every tonne of waste that is sent for disposal. The fund generated would be split 50/50 between local Waste Control Authorities and the national Waste Minimisation Authority and could only be used for waste minimisation purposes.

#### *5. Extended Producer Responsibility*

Extended producer responsibility programmes will be required for certain products. These require the producer of the product to take responsibility for the product throughout its lifecycle, from design through to the product's end-of-life.

#### *6. Organisational Waste Minimisation plans*

All organisations will adopt and implement Waste Minimisation plans to facilitate a decrease in the amount of waste they produce. This requirement is phased in over a 10-year period.

#### *7. Public procurement policies*

Public organisations would be required to give priority to purchasing products and services that either decrease waste generation or support markets for recycled materials.