



Waste Minimisation (Plastic Shopping Bags) Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 17th day of December 2018

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 23(1)(b) of the Waste Minimisation Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after complying with section 23(2)(b) and (3) of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Transitional, savings, and related provisions	3
5 Retailers must not sell plastic shopping bags	3

Schedule 1

Transitional, savings, and related provisions

Regulations

1 Title

These regulations are the Waste Minimisation (Plastic Shopping Bags) Regulations 2018.

2 Commencement

These regulations come into force on 1 July 2019.

3 Interpretation

In these regulations, unless the context otherwise requires,—

long-life synthetic fabric multi-use shopping bag means a bag that—

- (a) is wholly or predominantly made of plastic that is between 45 and 70 microns in thickness; and
- (b) either—
 - (i) is constructed of nylon, polypropylene, or polyester fabric, whether woven or non-woven, and designed to be multi-use; or
 - (ii) is certified by an entity accredited by the Joint Accreditation System of Australia and New Zealand, or by an entity accredited by a comparable independent accrediting entity or organisation, to be capable of carrying 5 kg over a distance of 100 m for a minimum of 55 uses

plastic means any plastic material that is manufactured from any source (including a bio-based source), whether or not it is designed to degrade in a particular way

plastic shopping bag—

- (a) means a bag that—
 - (i) is wholly or predominantly made of plastic that is less than 70 microns in thickness; and
 - (ii) is new or unused; and
 - (iii) has handles; but
- (b) does not include—
 - (i) a long-life synthetic fabric multi-use shopping bag; or
 - (ii) a plastic bag that is, or forms an integral part of, the packaging in which goods are sealed or contained before sale

retailer—

- (a) means a person engaged in a business in New Zealand that includes the sale of goods for monetary consideration; and
- (b) includes—

- (i) an online business that sells goods in New Zealand for monetary consideration; and
- (ii) a not-for-profit organisation that sells goods in New Zealand for monetary consideration.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Retailers must not sell plastic shopping bags

- (1) A retailer must not sell plastic shopping bags for the purpose of distributing goods sold by the retailer in New Zealand.
- (2) For the purpose of this regulation, plastic shopping bags are **sold for the purpose of distributing goods** only if—
 - (a) sold to enable the goods to be taken away from the point of sale in 1 or more plastic shopping bags; or
 - (b) sold to enable the goods to be delivered in 1 or more plastic shopping bags by the retailer or the retailer's agent.
- (3) For the purpose of this regulation, plastic shopping bags and goods are **sold** to a person if sold to the person for monetary consideration or given to the person free of charge.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in this Part relating to these regulations as made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2019, prohibit retailers from selling plastic shopping bags in New Zealand for the purpose of distributing goods sold by the retailers.

The regulations define plastic as including any plastic material that is manufactured from any source, whether or not it is designed to degrade in a particular way. This definition includes plastic that is compostable or biodegradable.

Section 5(1) of the Waste Minimisation Act 2008 defines sale for the purposes of that Act (and any regulations made under that Act) as including—

- an offer for sale; and
- distribution or delivery, whether or not for valuable consideration (including delivery to an agent for sale on consignment).

Section 65(1)(d) of the Waste Minimisation Act 2008 provides that a person who knowingly contravenes these regulations commits an offence and is liable on conviction to a fine not exceeding \$100,000.

Regulatory impact assessment

The Ministry for the Environment produced a regulatory impact assessment on 23 October 2018 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <http://www.mfe.govt.nz/node/24584>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 December 2018.

These regulations are administered by the Ministry for the Environment.