Waste Minimisation (Waste Disposal Levy) Amendment Act 2024

Public Act	2024 No 21
Date of assent	4 June 2024
Commencement	see section 2

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Part 2
Amendment to Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009

13 Principal regulations 6
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Schedule 1
New Schedule 1 inserted 7

Schedule 2
Schedule 2 replaced 8

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024.

2 Commencement

This Act comes into force on 1 July 2024.

3 Principal Act

This Act amends the Waste Minimisation Act 2008.

Part 1
Amendments to principal Act

4 Section 3 amended (Purpose of this Act)

In section 3, insert as subsection (2):

(2) The purpose of Part 3 is, in addition to the purpose specified in subsection (1), to enable a levy to be imposed on waste disposed of to—

(a) raise revenue to fund—

(i) the promotion and achievement of waste minimisation; and

(ii) activities that reduce environmental harm or increase environmental benefits; and

(iii) local authorities to manage emergency waste and to repair or replace waste management and minimisation infrastructure damaged by an emergency; and

(iv) the Ministry to undertake its functions and duties, and exercise its powers, in relation to waste management and minimisation and hazardous substances; and

(v) projects that provide for the remediation of contaminated sites; and

(b) increase the cost of waste disposal to recognise that disposal imposes costs on the environment, society, and the economy.

5 Section 5 amended (Interpretation)

In section 5(1), insert in their appropriate alphabetical order:

contaminant includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat that either by itself or in combination with the same, similar, or other substances, energy, or heat,—

(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of the water; or

(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged

contaminated site means land where a contaminant is present, or is likely to be present,—

(a) in any physical state in, on, or under the land; and

(b) in concentrations that pose an unacceptable risk to human health or the environment

emergency has the same meaning as in section 4 of the Civil Defence Emergency Management Act 2002

emergency waste means—

(a) waste that has been caused by an emergency; or

(b) any thing identified as emergency waste by notice made under section 38A

hazardous substance includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

remediate, in relation to a contaminated site, means to remove a contaminant from the site or to lessen the harmful effects of a contaminant

waste management and minimisation infrastructure means infrastructure and associated equipment that is used to support waste management and minimisation

6 New section 7A inserted (Transitional, savings, and related provisions)

After section 7, insert:

7A Transitional, savings, and related provisions

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

7 Section 25 repealed (Purpose of Part)

Repeal section 25.

8 Section 29 replaced (Waiver of levy payment)

Replace section 29 with:

29 Waiver of levy payment

(1) The Secretary may waive, in writing, the requirement for an operator to pay any amount of levy if satisfied—

(a) that exceptional circumstances justify the waiver; or

(b) that it is reasonable to do so in relation to waste from the remediation of a contaminated site.

(2) When a waiver is granted under subsection (1)(b), the Secretary may impose, in writing, conditions on the waiver that are consistent with the purposes of this Act set out in section 3.

9 Section 30 amended (Secretary must distribute and spend levy money)

(1) After section 30(c)(iii), insert:

(iv) funding activities that reduce environmental harm or increase environmental benefits:

(v) funding local authorities to manage emergency waste and to repair or replace waste management and minimisation infrastructure damaged by an emergency:

(vi) funding the Ministry to undertake its functions and duties, and exercise its powers, in relation to waste management and minimisation and hazardous substances.

(2) In section 30, insert as subsection (2):

(2) The Secretary may only spend levy money under subsection (1)(c)(v) in accordance with any criteria notified by the Minister under section 38A.

10 Section 38 amended (Minister may approve funding of projects to promote or achieve waste minimisation)

(1) In the heading to section 38, delete "**to promote or achieve waste minimisation**".

(2) Replace section 38(1) with:

(1) The Minister may approve funding of any project—

(a) to promote or achieve waste minimisation; or

(b) to provide for the remediation of a contaminated site.

11 New section 38A inserted (Criteria for funding management of emergency waste and repair or replacement of waste management and minimisation infrastructure)

After section 38, insert:

38A Criteria for funding management of emergency waste and repair or replacement of waste management and minimisation infrastructure

(1) The Minister may, by notice in the *Gazette*, set or vary criteria for spending levy money under section 30(1)(c)(v).

(2) The criteria may include—

(a) types of costs and types of waste management and minimisation infrastructure that will be funded:

(b) limits on the funding of costs:

(c) identification, in relation to an emergency, of things that are emergency waste, and whose management will be funded.

(3) Before setting or varying criteria, the Minister—

(a) must consider—

(i) whether managing emergency waste is reasonably necessary to address a risk to public health or the environment; and

(ii) whether managing emergency waste, or repair or replacement of waste management and minimisation infrastructure, or both activities, is likely to be beyond the resources of a local authority; and

(iii) the national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002; and

(b) may consider any other matters that they think relevant.

(4) A notice made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

12 New Schedule 1 inserted

Insert the Schedule 1 set out in Schedule 1 of this Act as the first schedule to appear after the last section of the principal Act.

Part 2
Amendment to Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009

13 Principal regulations

This Part amends the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009.

14 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in Schedule 2 of this Act.

Schedule 1
New Schedule 1 inserted

s 12

Schedule 1
Transitional, savings, and related provisions

s 7A

Part 1
Provisions relating to Waste Minimisation (Waste Disposal Levy) Amendment Act 2024

1 Consideration of criteria for approval of project to remediate contaminated site

The requirement in section 38(3)(a) does not apply in respect of a decision to approve funding for a project providing for the remediation of a contaminated site (a **remediation project**) until the earlier of the following:

(a) the date on which the Minister notifies criteria under section 38(4) for the approval of funding of remediation projects:

(b) 1 January 2025.

2 Use of levy collected before commencement of amendment Act

(1) To avoid doubt, all levy money received before the commencement date that is distributed and spent after the commencement date must be distributed and spent in accordance with this Act as if it had not been amended by the amendment Act.

(2) In this clause,—

amendment Act means the Waste Minimisation (Waste Disposal Levy) Amendment Act 2024

commencement date means the date on which the amendment Act comes into force.

Schedule 2
Schedule 2 replaced

s 14

Schedule 2
Levy rate

r 5

Prescribed disposal facility	Levy rate for period 1 July 2024 to 30 June 2025 ($ per tonne)	Levy rate for period 1 July 2025 to 30 June 2026 ($ per tonne)	Levy rate for period 1 July 2026 to 30 June 2027 ($ per tonne)	Levy rate on and from 1 July 2027 ($ per tonne)
Construction and demolition fill disposal facility: class 2	30	35	40	45
Managed or controlled fill disposal facility: classes 3 and 4	10	15	15	20
Municipal disposal facility: class 1	60	65	70	75

Legislative history

30 May 2024	Introduction (Bill 54–1), first reading, second reading, committee of the whole House, third reading
4 June 2024	Royal assent

This Act is administered by the Ministry for the Environment.

Wellington, New Zealand:
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