



Submission on the Ministry for the Environment proposed amendments to waste legislation consultation

Sunday 1 June 2025

Reuse Aotearoa is an independent organisation focused on investigating and supporting activities in the reuse economy in New Zealand. These are activities that keep products circulating over many uses and/or extend their lifespan so that they do not become waste prematurely. We conduct research on reuse; provide consulting and advisory services to businesses and councils; and facilitate collaboration across sectors and between commercial and non-profit organisations to get reuse systems going. While previously focused on reusable packaging systems, increasingly we work on other aspects of the reuse economy as well, including repair and secondhand markets. We are a member of WasteMINZ, the WasteMINZ Reuse Working Group, and the Zero Waste Network.

This submission is focused on the opportunities that updating waste legislation presents to increase the legislative levers available to central government to increase reuse activity in the New Zealand economy. We offer suggestions of where the proposals can be improved so that these levers are actually put forward and have a chance of being drafted and included in amended legislation. We also highlight the issues with broadening the scope of what waste levy revenue can be spent on from a reuse perspective, and make some general comments about the use of terminology in relation to reuse in the consultation document.

Why prioritise reuse?

Reuse is a key strategy for reducing waste because it keeps products in use for longer in their existing form, and thus not only delays those products going to landfill, but also delays the extraction of natural resources that would have been needed to make replacement products if reuse had not occurred.

Increasing reuse of products is one of the five outcomes the Government has indicated it wants to achieve in the Waste Strategy 2025. Reuse is also recognised as

a higher priority activity than recycling in that Strategy (see the waste hierarchy in the strategy, which is to be used as a guiding principle for decisions on waste).

Reuse activities, like reusable packaging systems, repair services, or the used goods market, not only save on waste, they have the potential to reduce the overall costs to society and consumers. This is because in a thriving reuse economy, fewer products need to be manufactured, bought and then disposed of across the supply chain, and there are a wider array of more affordable avenues of accessing and maintaining goods than having to buy new ones.

Furthermore, reuse activities, like repair, create jobs and boost the local economy because they rely on skilled labour to keep products in use, and these jobs tend to be local and distributed, rather than centralised and/or offshore. By creating more favourable policy settings for reuse activities, New Zealand's waste laws could make it easier for reuse and repair businesses to establish and maintain viability, grow their businesses, bring on new customers and new staff, and support more vocational training in the skills needed for a thriving reuse economy.

Why is reuse relevant to a waste legislation reform consult?

To date, Reuse Aotearoa has completed several research reports on reusable packaging systems in New Zealand.¹ These have involved stocktaking existing examples of reusable packaging systems in various parts of the country, and literature reviews and interview-based research on the barriers and opportunities to establishing, sustaining and growing reusable packaging systems. We have also completed research on the potential role of the resource recovery system in supporting reusable packaging reverse logistics.² We are currently completing research to stocktake the reuse, repair and share activities in Wellington City, and complete a gap analysis and recommendations report on how Wellington City Council can better support source reduction business models and practices in the city, in alignment with proposed actions in its Zero Waste Strategy and WMMP.

Across our research, what Reuse Aotearoa has learned is that, while examples of source reduction business models, particularly those based on reuse, do exist in New Zealand, they are overwhelmingly niche, many are in start-up phase, and most struggle to establish and to scale. The critical issue relates to the fact that an uneven economic playing field exists between reuse business models, and single-use/disposable/throwaway product business models. This is largely because the latter externalise their costs on society and this economic advantage has enabled

¹ See all our research reports here: https://reuseaotearoa.org.nz/reports_resources/.

² Given the substantial support the resource recovery system currently provides to single-use packaging through waste and recycling collections and processing, which has the effect of creating an uneven playing field between reuse and single-use.

them to embed and grow. Over time, the dominance of these business models has meant infrastructural and retail systems have been built specifically for single-use/throwaway products, while the infrastructure and skills that support reuse (e.g. washing infrastructure for reusable packaging, or specialised repair and maintenance skills) have been mothballed, further raising the barriers to entry for reuse business models today. In addition, local government and the resource recovery sector has swooped in to try and manage the waste associated with single-use and throwaway business models, and the resulting (largely ratepayer or community-funded) disposal and recycling systems act as an effective subsidy for those business models, and have become an additional institutional barrier to recovering products for reuse.

Simply put, there are major infrastructural investments and operational costs that need to be organised and paid for in order to enable more reuse activity. This is a systemic transition that requires legislation to effect. Globally, this is increasingly recognised, and countries around the world have been implementing laws and policies to unlock reuse activity. These include:

- Timebound, measurable and binding targets to increase reusable packaging in retail, producer and HoReCa sectors
- The use of EPR schemes to require waste reduction in relation to a product to be achieved, in part, through reuse, and for a proportion of producer fees to be raised and specifically allocated to recovery for reuse and/or investment in missing reuse infrastructure.
- Bans on single-use products or product obsolescence
- Mandates and obligations focused on reuse, such as the requirement that hospitality outlets must use reusable serviceware for dine-in customers and must offer reusable takeaway packaging options; or that producers must ensure their products are repairable (e.g. keeping spare parts etc.)
- Deposit return schemes on both single-use and reusable items to level the playing field, with the ability for reusable packaging to access, and be processed in the same way as single-use packaging at, the DRS returns network.
- Economic instruments to disincentivise single-use or non-repairable business models and incentivise reuse business models (e.g. levies, or an eco-modulating bonus/malus system in EPR).
- Targeted and strategic subsidies and grants for reuse businesses and services (e.g. grants to establish washing infrastructure, or vouchers to customers to access repair services).

In one of our reports on reusable packaging systems in Aotearoa, we dedicated a chapter to recommended actions that could be taken by central government to

support reusable packaging systems, which drew on the above examples as well as recommendations in international academic and grey literature.³

Our response to the consultation document

1. Extended producer responsibility proposals

At present, very few of the necessary powers outlined above are available to Government to implement in the New Zealand context. The update of the Waste Minimisation Act (WMA) is an ideal and opportune moment to introduce some of these powers, both in terms of an update and modernisation of s 23, but also in the proposed establishment of a new EPR framework.

However, the content of the consultation document indicates the government is at risk of entirely missing this opportunity. No substantive proposals are made to update s 23 beyond “minor and technical amendments”, even though s 23 is not fit-for-purpose in terms of intervening to support more reuse activity in the New Zealand economy. Furthermore, the proposed EPR framework is not set out in a way that indicates any thought has gone into how to require, promote and support reuse, as distinct from recycling. There is now substantial evidence that failure to ring-fence or dedicate measures such as targets or fees to reuse activity specifically, will simply result in reuse being neglected and the majority (if not all) of the attention and resources being directed towards recycling. This outcome would not be at all consistent with the Waste Strategy, which specifically states reuse of products is an outcome and sets the waste hierarchy out as a guiding principle.

While we do believe a more robust legislative EPR framework is desperately needed in New Zealand to ensure producers enable and fund resource recovery, it is simply too late in the piece to be exclusively focused on achieving mediocre, recycling-only schemes. Latest research released by reuse experts in the US and the EU shows that EPR schemes that only focus on recycling do not produce higher order waste prevention and reuse outcomes (and thus do not lead to reduced natural resource extraction), and that over time they can become an institutional barrier to these outcomes.⁴ However, these reports do give plenty of examples of how EPR could be designed to drive reuse; these examples helpfully highlight the types of regulatory

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https://reuseaotearoa.org.nz/wp-content/uploads/2022/06/RA-June-22_3.3-Recommended-actions-for-central-government.pdf

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<https://zerowasteurope.eu/library/designing-epr-to-foster-the-eus-competitiveness-and-strategic-autonomy/>;

https://static1.squarespace.com/static/5f218f677f1fdb38f06cebcb/t/67ae091e2bb65b4fbaff0c56/1739458853796/Best-in-class+PRO_Feb+2025.pdf.

powers and tools that the Government should ensure it puts in its legislative toolbox so that the WMA is actually fit-for-purpose to address the upstream causes of today's waste crisis. We encourage the government to review these resources and research when it amends its proposed updates to EPR and s 23. We also suggest the Government reviews a working paper produced in the New Zealand context that gives further guidance, as well as clear examples from overseas.⁵

Finally, we note that the EPR framework set out in the consultation document needs to be further amended to make clear that producer fees must cover the costs, not only of recovery (for recycling and reuse), but also disposal and leakage (as these activities result either in clean-up costs, or environmental costs in the form of pollution). It is necessary for EPR to cover the costs of leakage to ensure that these costs are fully internalised by single-use/throwaway business models. In addition to the measures outlined earlier in this section of requiring source reduction-focused features to be built into EPR schemes, full internalisation of the costs of disposal and product leakage is another key part of levelling the uneven playing field between resource efficient and non-resource efficient business models.

2. Waste levy system proposals

We support councils continuing to receive 50% of the total waste disposal levy revenue. We also support the proposal to change 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).

However, we do not support the proposal to expand Council's ability to spend its portion of the waste levy revenue on activities that go beyond promoting and achieving waste minimisation (in accordance with their WMMPs) and CME of mismanaged waste. This is because even within the existing levy revenue allocation and expenditure arrangements, there is a massive investment gap in source reduction and reuse services and infrastructure, and this is holding back the adoption and viability of innovative resource efficient business models, like reuse, that are needed to reduce waste and emissions. Any reduction in available funding for council waste teams to spend on their waste work programmes will likely lead to cuts or an even more resource-scarce environment for reuse initiatives to try and find funding to support their set-up and viability.

Rather than reducing the amount of the pie that can go to promoting and achieving waste minimisation by expanding what waste levy revenue can be spent on, we

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https://www.waikato.ac.nz/assets/Uploads/Research/Research-Projects/Amiomio-Aotearoa/20.03.2023_Regulating-products-production-and-consumption-for-a-circular-economy_Blumhardt.pdf

believe that waste legislation should be amended to require that the spending of waste levy revenue (by both central and local government) is prioritised according to the waste hierarchy. In addition to EPR schemes and product policy tools that are able to raise producer fees to cover reuse costs, prioritising waste levy expenditure according to the waste hierarchy would help to finance the transition to a reuse economy.

We strongly support removing the blanket exclusion for waste-to-energy facilities from the levy. This is because, if the playing field between single-use/throwaway business models and reuse business models is to be levelled, the throwaway system needs to pay its way and this requires levies to be placed on the systems and infrastructure that encourage continual throwaway practices. Waste-to-energy facilities are a form of waste disposal that literally burn resources out of the economy; like landfill, they must be economically disincentivised, with the funds raised reinvested into better alternatives that reduce waste generation and the harms associated with waste in the first place, such as reuse.

3. General comments about terminology and definitions

The WMA would greatly benefit from a refresh of its overarching purpose and interpretations sections, and the introduction of a general principles section and a clause relating to upholding Te Tiriti o Waitangi. None of these things are proposed in the consultation document, but from Reuse Aotearoa's perspective they are important parts of creating consistency and strategic alignment around core waste minimisation principles (such as the waste hierarchy), which would help to lift comprehension of source reduction and reuse, their relevance to waste minimisation, and efforts to increase reuse activities. We believe the waste sector and the public should be able to comment on proposed changes to these sections of the WMA and that they should have been covered in the consultation document.

We are deeply disappointed and dispirited that the waste hierarchy was not mentioned once in the consultation document. The amended Act should set out the waste hierarchy, define each tier clearly and in accordance with international definitions, and require everyone fulfilling roles and responsibilities under the Act to consider and act in accordance with the waste hierarchy. To date, the lack of adherence to the waste hierarchy, and the limited knowledge about or expertise in its higher tiers has been one of the factors underpinning the continual devaluation and sidelining of reuse activities in New Zealand's local and central waste minimisation work programmes. The amended Act should place the waste hierarchy front and centre.

The consultation document does not propose any updates to the definitions in the interpretation section of the WMA. However, this section really needs updating to introduce phrases that are now commonly used in relation to waste minimisation and resource efficiency overseas and in New Zealand, and to update definitions that are outdated or poorly articulated in the current Act. Confusion and lack of knowledge about a wide variety of waste-related terms is recurrent in New Zealand and creates a problematic lack of shared understanding in many contexts, from co-designing product stewardship schemes, to the way businesses label their products and packaging. Reuse Aotearoa believes the confusion is partly driven by the lack of agreed definitions in the legislation, and the frequent inconsistency between the way concepts are defined in legislation and between how they are defined across various waste policy documents. The opportunity to discuss and refine definitions would have been welcome in the context of this consultation and we hope there will be an opportunity to do so in further rounds of feedback.

We note that one of the definitions that needs updating in the WMA is the definition of “reuse”. The WMA’s definition currently talks about reuse in terms of further use of “waste” and “diverted material”. This fundamentally misinterprets the role of reuse in waste minimisation and in the waste hierarchy; reuse is a source reduction strategy, which means it prevents waste in the first place. If reuse is occurring, there is no waste. Furthermore, reuse is a method of product circularity, not material circularity, it keeps manufactured *products* in their original form for multiple uses over an extended time for the purpose for which those products were originally conceived. In this way, reuse preserves more embodied value than recycling, which only recirculates materials. Reuse also relates to the technical, rather than biological, sphere of the waste hierarchy. For these reasons, it is a misnomer to talk about the reuse of soil, waste or materials.

The consultation document barely references the concept of reuse at all. The few times the term is used, it is used in relation to the activity of using waste material as landfill cover. Again, this use of the term “reuse” is a misappropriation that creates confusion about the true role of reuse in the context of waste minimisation and makes it harder for those implementing waste legislation or delivering waste services to identify and distinguish reuse from other waste management and minimisation methods. This runs the risk of resources and data-keeping that should properly be dedicated to reuse, being misdirected towards activities that are not reuse activities and that do not achieve the fundamental purpose or goals of reuse.

Thank you for considering this submission

If you have any questions or would like to include Reuse Aotearoa in further rounds of feedback, please get in contact: research@reuseaotearoa.org.nz