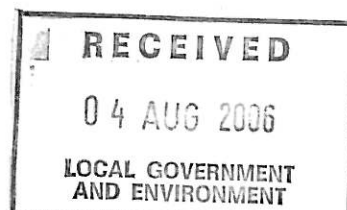


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SUBMISSION OF PACIFIC INSTITUTE OF RESOURCE MANAGEMENT ON THE WASTE MINIMISATION(SOLIDS) BILL

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The Pacific Institute of Resource Management is an incorporated society concerned with human welfare and the interactions between human society and the natural environment. Recognising the importance of waste, the Institute has previously made submissions on the Packaging Accord 2004 and the discussion document on Product Stewardship and Water Efficiency Labelling. The Institute's quarterly journal, "Pacific Ecologist" for Spring 2004 included waste issues as its central theme.

We are greatly encouraged by the introduction of this Bill and its coming to consideration by Select Committee. The Bill offers a clear mechanism to achieve the aims of The New Zealand Waste Strategy to the great benefit of society, the economy and the environment. It promises to add efficiency in use of materials to labour and energy efficiency as the elements supporting sustainable increased productivity and to promote good environmental outcomes by reducing consumption of limited resources and disposal of damaging materials. As well as comprehensive mechanisms to reduce waste, the Bill proposes a very tight administrative system to ensure their success. While this will require some expansion of government bureaucracy, this is a small price to pay for certainty of outcome.

Overall we strongly support this Bill, both for its intent and for the mechanisms proposed for realisation of its aims. We wish to make particular comment on certain sections of the Bill, largely to commend the proposals but in a few instances to suggest alternatives. These are itemised below and indexed according to the numeration of the Bill.

Part 2 Waste Minimisation Authority

The Authority is compared with the Energy Efficiency and Conservation Authority in the Explanatory note that introduces the Bill. While EECA has had only limited success in achieving its aims to date, we believe that the WMA is assured of success because it is supported by a much more robust structure that has been designed specifically to deliver the intended results. It is important that this structure is maintained in the subsequent Act and that its strengths are not compromised. The Bill is highly interventionist and there are likely to be objections to this on ideological grounds. Any concessions to these objections must be made with great caution to ensure that the Bill's effectiveness is not reduced. The purpose and structure of the Authority as proposed is strongly supported, in particular the detailed documentation of the performance of waste minimisation activities under the Act.

Part 3 Waste Control Authorities

The proposal to establish Waste Control Authorities at the level of territorial authorities provides a good division of responsibility between central and local government. While many local authorities in New Zealand have taken the waste minimisation issue to heart and actively pursued the purpose with local programmes, others have been content to simply collect

revenue from rubbish bag sales and landfill fees and to contract out collection and landfill operation. The establishment of WCAs will ensure that active waste minimisation is in place throughout the country. The specification of S21(d) to regularly review and amend waste plans depending on their effectiveness, of S21(g) to put disposal prohibitions into effect, of S21(j) to monitor compliance and of S21(m) to address litter are of particular merit in a comprehensive prescription for waste minimisation and management plans.

The establishment of dedicated central and local government entities with clearly stated accountability provides a powerful administrative tool to ensure optimal implementation of waste minimisation measures. The issue of waste is of such importance that we believe this administrative power is clearly justified

Part 4 Prohibition on disposal of materials

To prohibit the disposal of materials for which there are readily available alternatives is a bold measure which we support. It is one of the strengths of the Bill that it approaches many issues from two complementary directions that both discourage unwanted activities and encourage those which are desirable. Again, this twofold approach should provide a guarantee of achieving the desired outcomes.

Part 5 Waste Disposal Levy

The Institute strongly endorses the levy as the primary economic instrument of the Bill. Valuable features include the explicit pathways for avoiding liability for the levy, the provision for it to be set at different rates for different types of waste and the schedule for review of its effectiveness. The clear itemisation of what the income from the levy is to be spent upon ensures that the levy is most effective in reducing waste. The proposals for apportioning any excess of income over expenditure show both fiscal prudence and commendable broad thinking in how the money can best be targeted to achieve good environmental outcomes.

Part 6 Extended Producer Responsibility

Consistent with our previous submissions on the Packaging Accord and Product Stewardship, we are pleased to see the proposal to introduce a system that will ensure that the production, use and disposal of consumer goods in New Zealand is in accord with the highest practicable environmental standards. We have previously argued that such a scheme which places a strong emphasis on the brand-owners' responsibility is the best means to ensure waste minimisation and acknowledged that this would require strong resolve on the part of legislators to establish it as a working system. We trust that this resolve will be forthcoming and will bring this part of the Bill to enactment.

There is one small concern in the detail of this section, relating to S523(b). The use of toxic or hazardous substances in the manufacture of products or packaging seems somewhat peripheral to the intent of the Bill. These substances will become of consideration should they

enter the waste stream and may then be dealt with accordingly. In the interim they are under the controls of the Hazardous Substances and New Organisms Act and its revisions. It seems possible that there will be many innocuous products that are readily dealt with by the other provisions of the Bill that may require a Product Stewardship programme under this subsection. This may well be needless duplication and a pointless administrative burden. Even if a PS programme is not eventually needed, considerable administrative resources may be expended in establishing this fact. The remaining reasons to require a PS programme seem entirely reasonable.

S52(5) gives a very short time frame to establish the desirability of PS programme. As some of the factors listed in S52(3) may be difficult to establish or unknown, it may be better to allow more time for this fundamental work. The Directors decision which will be based upon the presented information could be undertaken within a shorter time frame as compensation. If the short time frame is kept, it could perhaps be qualified by an insertion such as "unless an extension is granted upon application to the Director".

S53(9) gives the waste minimisation hierarchy. It is commendable to see this stated explicitly in the Bill and referred to at several points. There is a minor point regarding (e),(f) and (g) which appear confused. This part would be clarified if (e) replaced (g) and the numeration was corrected to give a hierarchy with one fewer item.

S59 includes some points that seem excessive. The requirements of S59(2) threaten to submerge the counter at the dairy under advisory signage, leaving room only for the pile of advisory leaflets required under subsection (3). The requirements of subsections (4) and (5) are also borderline.

Part 7 Organisational waste minimisation plans

While the intent of this part is commendable, we question whether such plans will add materially to outcomes. The strong incentives present in the remainder of the Bill should ensure that businesses adopt plans as a part of standard good business practice. This part of the Bill is likely to be perceived as an unwelcome imposition and may lead to opposition to the Bill in its entirety.

While the requirements of private businesses to develop waste minimisation plans should be removed from the Bill, it would be of value if the requirements remained for public organisations as a model for business practice. The development of such plans by businesses should also remain part of the function of the Authority in an enabling and helpful role. It will also be worthwhile retaining the requirement for plans for public event organisers.

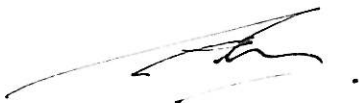
Part 8 Public Procurement Policy

It is an important part of the waste management process to ensure that there are markets for goods that are manufactured from recycled/recovered materials and this should be supported by public entities. Broader support in purchasing decisions for goods that reduce waste by other means is also of great value. Public organisations should give leadership by example in this area.

Thankyou for the opportunity to make this submission. We reiterate our overall strong support of this Bill and urge its prompt enactment. It promises to truly give effect to the fine words of the New Zealand Waste Strategy.

We would welcome the opportunity to present our submission in person to the Select Committee.

Yours sincerely,



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for

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