



## SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

### NEW ZEALAND

We have been unable to find a court decision in New Zealand, so the provisions of law that affect waste producer liability are set out below.

#### **National Law**

New Zealand has recently been criticized in a Ministry of Environment assessment that concluded the “oversight of the disposal of hazardous waste is weak.” [Hazardous Substances Compliance Findings Report](#), June 30, 2019. The Ministry noted that overlapping laws focused on the effects of hazardous waste management and less on compliance standards. One recommendation was that the “[f]inancial responsibility for the disposal of hazardous waste is sheeted home to the generator of that waste and made enforceable.” [Supra Appendix 1](#).

Current law does not clearly lay out hazardous waste generator responsibilities, other than to create strict liability for non-compliance with manifesting and other procedural requirements. [Hazardous Substances and New Organisms Act of 1996, Section 117](#). Liability for contamination in the environment extends to “polluters” although the focus on the law is on owners and occupiers. [Resource Management Act, Section 15](#). The defense to an unauthorized discharge case must “[prove the action or event could not reasonably have been foreseen](#).” So foreseeable actions that caused discharges might receive some scrutiny. As a [common law jurisdiction](#), tort liability can also attach due to negligence.

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