

Examined and certified by:



Clerk of the Parliament

In the name and on behalf of His Majesty King Charles III, I hereby assent to this Act  
 this 27<sup>th</sup> day of June 2025



(Signed)  
 King's Representative

### Contents

|  |   |    |
|--|---|----|
| 1  | Title   | 3  |
| 2  | Commencement  | 3  |
| <b>Part 1</b>  |   |    |
| <b>Preliminary matters</b>   |   |    |
| 3  | Purpose   | 3  |
| 4  | Interpretation  | 3  |
| 5  | Act binds the Crown   | 8  |
| 6  | Application   | 8  |
| <b>Part 2</b>  |   |    |
| <b>General prohibitions and minor offences</b>                       |   |    |
| <i>Prohibited articles and substances</i>                            |   |    |
| 7  | Importation of certain articles and substances prohibited                       | 8  |
| <i>Minor offences and other offences</i>                             |   |    |
| 8  | Interpretation  | 8  |
| 9  | Offences and minor offences: method of prosecution                              | 9  |
| 10   | Minor offences  | 9  |
| 11   | Prosecution of minor offences   | 9  |
| <b>Part 3</b>  |   |    |
| <b>Collection and disposal of waste and offences</b>                 |   |    |
| <i>Domestic waste and recyclable waste</i>                           |   |    |
| 12   | Disposing of domestic waste and recyclable waste                                | 10 |
| <i>Bulky waste, building and demolition waste, and organic waste</i> |   |    |
| 13   | Disposing of bulky waste  | 10 |
| 14   | Disposing of building or demolition waste on private land                       | 11 |
| 15   | Disposing of organic waste  | 11 |
| <i>Hazardous waste</i>   |   |    |
| 16   | Disposal of hazardous waste, etc  | 11 |
| 17   | Plastic waste and tyres not to be burnt except in accordance with authorisation | 12 |
| 18   | Authorisation for burning plastic waste or tyres                                | 12 |
| <i>Waste collection (including of hazardous waste)</i>               |   |    |
| 19   | Waste collection  | 12 |
| 20   | Collection of hazardous waste   | 13 |
| 21   | Collection conditions   | 13 |
| <i>Designation or approval of waste disposal areas</i>               |   |    |
| 22   | Designation or approval of waste disposal areas                                 | 14 |

|    |   |    |
|----|---|----|
|    | <i>Waste facilities</i>   |    |
| 23 | Requirement to obtain permit to operate waste facility and inspection of waste facilities | 15 |
| 24 | Waste facilities  | 15 |
| 25 | Deposit conditions  | 16 |
|    | <i>Disposal of waste at waste facilities</i>  |    |
| 26 | Responsible waste disposal  | 17 |
|    | <b>Part 4</b>   |    |
|    | <b>Control of litter</b>  |    |
| 27 | Control of litter in public places  | 18 |
| 28 | Occupiers of private land to clear litter   | 18 |
| 29 | Appeals against notices under section 28  | 19 |
| 30 | Offences relating to litter   | 19 |
| 31 | Wilful breaking of bottles or glass   | 20 |
|    | <b>Part 5</b>   |    |
|    | <b>Commercial waste collection services</b>   |    |
| 32 | Purpose of Part 5   | 20 |
| 33 | Responsibilities of commercial operators  | 21 |
| 34 | Exceptions to section 33  | 22 |
| 35 | Responsibilities of persons who use commercial waste collection services                  | 22 |
|    | <b>Part 6</b>   |    |
|    | <b>Advance recovery and disposal fees</b>   |    |
| 36 | Advance recovery and disposal fee   | 22 |
| 37 | Entitlements to refunds on items returned   | 23 |
| 38 | Offences relating to advance recovery and disposal fees                                   | 23 |
| 39 | Civil proceedings   | 23 |
|    | <b>Part 7</b>   |    |
|    | <b>Supply of plastic shopping bags prohibited</b>   |    |
| 40 | Retailers must not supply plastic shopping bags   | 23 |
| 41 | Offence   | 23 |
|    | <b>Part 8</b>   |    |
|    | <b>Miscellaneous provisions</b>   |    |
| 42 | Contracting out   | 24 |
| 43 | Liability of directors and senior officers  | 24 |
| 44 | Regulations   | 24 |
| 45 | Relationship with other Acts  | 25 |
| 46 | Administration of this Act  | 26 |
|    | <i>Repeals and revocation</i>   |    |
| 47 | Repeals and revocation  | 26 |
|    | <i>Transitional and savings provisions</i>  |    |
| 48 | Transitional provisions   | 26 |
|    | <b>Schedule 1</b>   |    |
|    | <b>Prohibited articles and substances</b>   |    |
|    | <b>Schedule 2</b>   |    |
|    | <b>Minor offences</b>   |    |
|    | <b>Schedule 3</b>   |    |
|    | <b>Goods for which advance recovery and disposal fee payable</b>                          |    |

---

**An Act to provide for the management of solid and hazardous waste.**

- 1 Title**  
This Act is the Solid and Hazardous Waste Act 2025.
- 2 Commencement**  
This Act comes into force on 1 July 2025.

## **Part 1**

### **Preliminary matters**

- 3 Purpose**  
The purposes of this Act are to—
- (a) establish rules for the responsible disposal of different types of waste:
  - (b) provide for the collection of waste in the Cook Islands:
  - (c) provide for the establishment and operation of waste facilities to which waste can be taken for disposal:
  - (d) ban or control the importation of certain articles and substances that are, or that generate, unwanted waste:
  - (e) establish a scheme for importers of prescribed goods to pay an advance recovery and disposal fee:
  - (f) prohibit retailers from supplying plastic shopping bags for the purpose of enabling goods sold by the retailers to be delivered to or carried by customers:
  - (g) enable the Cook Islands to comply with relevant international conventions regarding the disposal of solid and hazardous waste:
  - (h) provide appropriate mechanisms for enforcement.
- 4 Interpretation**  
In this Act, unless the context otherwise requires,—
- advance recovery and disposal fee** means a fee payable by importers into the Cook Islands of specified goods or classes of goods (*see* section 36 and Schedule 3)
- bank** has the meaning given in the definition of inland waters in section 2 of the Environment Act 2003
- bulky waste** means waste that is too bulky to fit into a rubbish bag or waste receptacle, and—
- (a) includes (for example)—
    - (i) furniture:
    - (ii) whiteware:
    - (iii) vehicles and other machinery:
    - (iv) electrical appliances no longer in use
  - (b) does not include hazardous waste
- Court** means the High Court
- Crown land** means land owned by the Crown or occupied by the Crown under a lease, licence, or otherwise

**Customs** has the meaning given in section 4(1) of the Customs Revenue and Border Protection Act 2012

**deposit**, in relation to litter, includes—

- (a) to cast, place, throw, or drop litter; and
- (b) to allow litter to be cast, placed, thrown, or dropped, or to escape from a conveyance

**disposal**, in relation to waste disposal areas, means storage, sorting, placing in a landfill, recycling, destruction, or transporting waste for disposal elsewhere

**domestic waste**—

- (a) means waste other than waste from agricultural, commercial, community, industrial, or other non-domestic activities; but
- (b) does not include the following:
  - (i) recyclables:
  - (ii) bulky waste:
  - (iii) organic waste:
  - (iv) hazardous waste

**enforcement officer** means—

- (a) an employee of a Ministry or other person appointed in writing by the head of that Ministry to exercise all or any specified powers under this Act:
- (b) an employee of an Island Government:
- (c) a person appointed in writing by the head of the National Environment Service to act as a litter warden, exercising the powers in sections 10 and 11 and Part 4

**foreshore** has the meaning given in section 2 of the Environment Act 2003

**hazardous waste** means waste, in solid, liquid, or gaseous form, that is likely to be a health hazard or an environmental hazard if released into the environment, and includes—

- (a) medical waste:
- (b) e-waste:
- (c) end-of-life batteries:
- (d) chemicals:
- (e) asbestos waste:
- (f) waste oil:
- (g) any other thing prescribed as hazardous waste for the purposes of this definition

**importation** has the meaning given in section 4(1) of the Customs Revenue and Border Protection Act 2012 and **import** has a corresponding meaning

**importer** has the meaning given in section 4(1) of the Customs Revenue and Border Protection Act 2012

**inland waters** has the meaning given in section 2 of the Environment Act 2003

**Island Government**—

- (a) has the meaning given in section 4(1) of the Island Government Act 2012-13; and
- (b) includes a person contracted to carry out any of the functions of an Island Government under section 42 in respect of the carrying out of those functions only; and
- (c) for the islands of Manuae, Suwarrow, or Takutea means the Ministry of Infrastructure unless an Order in Executive Council is made in respect of any of those islands under section 44(b)

**land owner** has the meaning given to owner of interests in land in section 7 of the Infrastructure Act 2019

**litter** includes refuse, rubbish, glass, metal, garbage, or waste matter, or any other thing of a like nature

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

- (a) constructed of nylon, polypropylene, or polyester fabric, whether woven or non-woven, and is multi-use; or
- (b) 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, as being capable of carrying 5 kg over a distance of 100 m for a minimum of 55 uses

**microbeads** means manufactured solid plastic particles of less than 1 mm in their largest dimension

**Minister** means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act, however see the definition of relevant Minister

**Ministry**—

- (a) means any of the following (*see also* definition of relevant Ministry):
  - (i) the Ministry responsible for the administration of the Ministry of Health Act 2013;
  - (ii) the National Environment Service;
  - (iii) the Ministry of Infrastructure (which, when 1 or more of the Ministries are acting together, is the lead Ministry):
- (b) includes a person contracted to carry out any of the functions of a Ministry under section 42 in respect of the carrying out of those functions only

**minor offence** has the meaning given in section 8

**National Building Code** means the National Building Code brought into force by the Building Controls and Standards (National Building Code) Order 2022 or any building code that replaces it with content relevant to this Act

**operator** means a person who operates a waste facility under contract with a Ministry or an Island Government

**organic waste**—

- (a) means waste material that is biodegradable and comes from plants or animals or is animal remains; and
- (b) includes food scraps and waste generated from gardens, agricultural sites, or other land (for example, tree branches, cuttings, leaves, grass, or straw); and

(c) does not include hazardous waste

**outer island** means an island listed in Schedule 1 of the Island Government Act 2012-13 and Manuae, Suwarrow, and Takutea

**plastic** means 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:

(b) does not include—

(i) a long-life synthetic fabric multi-use shopping bag; or

(ii) a plastic bag that, as part of a manufacturing process, is, or forms an integral part of, the packaging in which goods are sealed or contained before sale; or

(iii) wrap used in-store for packaging meat

**private land** means any place other than a public place

**Public Health Act 2024** includes the Public Health Act 2004 to the extent that the 2004 Act remains in force

**public place**—

(a) includes the following:

(i) a road, street, private street, footpath, access way, stormwater drain, service lane, court, mall, shop, or thoroughfare to which the public generally has access, whether with or without payment of any fee, and any national park or reserve and public transport:

(ii) the grounds of a school, church, or community facility:

(iii) a park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee:

(iv) a beach, foreshore, inland waters, or a bank to which the public traditionally has access, whether with or without payment of any fee:

(v) waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes:

(vi) a wharf, pier, or jetty to which the public has access:

(vii) an airport within the meaning of section 2 of the Airport Authority Act 1985:

(viii) land vested in or controlled by the Crown, being land that is not occupied under any lease, licence, or other authority by any private person:

(ix) any other place, whether public or private, in the open air to which the public has access, whether with or without payment of any fee; but

(b) excludes any site designated or approved for the disposal of waste under this or any other Act, or a receptacle installed in a public place

**Rarotonga** has the meaning given in section 2 of the Environment Act 2003

**receptacle** means a container that is used for holding or storing waste or recyclables

**recyclable waste or recyclables**—

- (a) means waste of any of the following types:
  - (i) plastics marked as recyclable;
  - (ii) aluminium;
  - (iii) glass;
  - (iv) steel;
  - (v) any other thing prescribed as recyclable for the purposes of this definition; but
- (b) does not include—
  - (i) anything that is impracticable or unsafe to recycle (whether because it is dirty or for any other reason)
  - (ii) hazardous waste

**regulations** means regulations made under section 44

**relevant Minister** means, in relation to a function, power, or duty, the Minister responsible for the relevant Ministry

**relevant Ministry** means,—

- (a) in relation to a function, power, or duty under this Act (except under section 22 and Part 4),—
  - (i) the Ministry that, under a plan agreed by the committee established by section 46, performs or exercises the function, power, or duty; or
  - (ii) if no plan is agreed, the Ministry of Infrastructure (*see* section 46(6))
- (b) in relation to a function, power, or duty under Part 4, the National Environment Service (*see* section 46(7))

**retailer**—

- (a) means a person engaged in a business in the Cook Islands that includes the sale of goods or services for monetary consideration; and
- (b) includes—
  - (i) an online business that sells goods or services in the Cook Islands for monetary consideration; and
  - (ii) a not-for-profit organisation that sells goods in the Cook Islands for monetary consideration

**sold** includes—

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

**waste** means any of the following:

- (a) domestic waste;
- (b) ash from open fires and incinerators that is not hazardous waste;
- (c) waste or litter from industrial, commercial, mining, agricultural, community, or other activities, including building and demolition waste that is not hazardous waste;
- (d) recyclable waste;

- (e) organic waste:
- (f) bulky waste:
- (g) hazardous waste

**transport** includes to transport waste (including hazardous waste)—

- (a) on the land of Rarotonga or an outer island:
- (b) between outer islands:
- (c) between an outer island and Rarotonga:
- (d) from Rarotonga to a place outside of the Cook Islands

**waste facility or facility**—

- (a) means a place on Crown land designated or approved under section 22 as a place to be used for the disposal of waste; and
- (b) includes any associated area to which waste is dropped-off

**water** includes wetlands (within the meaning given in section 2 of the Environment Act 2003).

## 5 Act binds the Crown

This Act binds the Crown.

## 6 Application

A provision in this Act applies to the whole of the Cook Islands from the date it commences.

## Part 2

### General prohibitions and minor offences

#### *Prohibited articles and substances*

## 7 Importation of certain articles and substances prohibited

- (1) The articles and substances listed in Schedule 1 are declared to be articles or substances that are, or that generate, unnecessary waste or waste that is difficult to dispose of in the Cook Islands.
- (2) The importation of the articles and substances listed in Schedule 1 is prohibited.
- (3) For the purposes of the Customs Revenue and Border Protection Act 2012, the articles and substances listed in Schedule 1 of this Act are prohibited imports.
- (4) The King's Representative may at any time, by Order in Executive Council, amend Schedule 1 by amending, deleting, or adding references to articles or substances.

#### *Minor offences and other offences*

## 8 Interpretation

- (1) In sections 9 to 11, **minor offence** means an offence against a provision of this Act specified in Schedule 2.
- (2) The King's Representative may at any time, by Order in Executive Council, amend Schedule 2 by amending, deleting, or adding references to offences or increasing or decreasing the fine payable in any case.

**9 Offences and minor offences: method of prosecution**

- (1) An offence against this Act that is specified in Schedule 2 as a minor offence may be—
  - (a) prosecuted in the ordinary way as provided in the Criminal Procedure Act 1980–81; or
  - (b) proceeded against by issuing a minor offence notice under section 10(1) and, if the fine is not paid (*see* section 10(2)(b)), prosecuted in accordance with section 11 and the Criminal Procedure Act 1980-81.
- (2) To avoid doubt, a minor offence may be prosecuted under subsection (1)(a) without a minor offence notice first being issued.

**10 Minor offences**

- (1) If an enforcement officer has reason to believe that a person has committed a minor offence, the enforcement officer may issue a minor offence notice in the form prescribed by regulations requiring the person to pay a fine of the relevant amount set out in Schedule 2. The notice, or a copy of it, must be delivered personally to the person.
- (2) A person who is required to pay a fine may—
  - (a) elect to pay the fine within 10 working days from the date on which the minor offence notice is issued, in which case a receipt must be issued to the person and they are not liable to further prosecution of any kind in respect of that offence; or
  - (b) elect not to, or fail to, pay the fine within 10 working days from the date on which the minor offence notice is issued, in which event the person is liable to prosecution under section 11.
- (3) A minor offence notice must contain all of the following information:
  - (a) sufficient detail to fairly inform the person of the time, place, and nature of the alleged offence, together with any other details that are prescribed;
  - (b) the amount of the fine payable;
  - (c) a statement of the possible consequences (including prosecution for the offence) if the person does not pay the fine within 10 working days.
- (4) A prosecution for a minor offence must be commenced within 6 weeks of the date on which the minor offence notice is issued.

**11 Prosecution of minor offences**

- (1) A person who is served with a minor offence notice and who does not pay the fine within 10 working days after being served is—
  - (a) liable to prosecution in respect of the offence to which the notice relates; and
  - (b) liable on conviction to a fine not exceeding \$500.
- (2) Despite anything to the contrary in any other Act, a prosecution of a minor offence—
  - (a) may be commenced by an enforcement officer against a person served with a minor offence notice by filing the notice in the Court and without further service of documents on the person; and
  - (b) must then be proceeded with in accordance with the Criminal Procedure Act 1980-81.

### Part 3 Collection and disposal of waste and offences

#### *Domestic waste and recyclable waste*

#### **12 Disposing of domestic waste and recyclable waste**

- (1) No person may dispose or attempt to dispose of domestic waste or recyclable waste by—
  - (a) burning it; or
  - (b) burying it; or
  - (c) dumping it on any land or in any water; or
  - (d) attempting to do any of the things in paragraphs (a) to (c).
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (3) It is a defence to a charge under this section if the person charged proves that the waste was litter that was deposited in a receptacle as required under Part 4.
- (4) This section does not apply to the disposal of domestic waste or recyclable waste at a waste facility.

#### *Bulky waste, building and demolition waste, and organic waste*

#### **13 Disposing of bulky waste**

- (1) No person may dispose or attempt to dispose of bulky waste by burning it or attempting to burn it.
- (2) Subject to subsection (3) and section 14, no person may bury or dump bulky waste, or attempt to do so,—
  - (a) in or on a public place; or
  - (b) in or on private land; or
  - (c) in water.
- (3) A vehicle or other machinery that is not working or does not have a current warrant of fitness may be stored on private land, but the occupier of the land must ensure that it is—
  - (a) stored in a building (for example, a garage); or
  - (b) disassembled for parts promptly (and no later than 2 months after storage on the land begins) and the remains taken to a waste facility without delay.
- (4) A person who wishes to dispose of bulky waste must deliver it to a waste facility that accepts bulky waste or use a commercial operator to do so (*see* Part 5).
- (5) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if they—
  - (a) contravene subsection (1); or
  - (b) contravene subsection (2); or
  - (c) fail to comply with the requirements in subsection (3) when storing a vehicle or other machinery, unless section 48(2) applies.
- (6) This section does not apply to the disposal of bulky waste at a waste facility.

**14 Disposing of building or demolition waste on private land**

- (1) No person may bury or dump building or demolition waste in or on private land, or attempt to do so, unless—
  - (a) the relevant Ministry or Island Government gives its prior consent; and
  - (b) the person is the owner or occupier of the private land.
- (2) In deciding whether to give its consent under subsection (1)(a), the relevant Ministry or Island Government must have regard to any management plan on the topic issued by the relevant Ministry.
- (3) A person who contravenes subsection (1) or fails to comply with a condition imposed under subsection (4) commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (4) If the relevant Ministry or Island Government gives consent under this section, it may impose conditions on the burying or dumping of the waste.

**15 Disposing of organic waste**

- (1) No person may dump or attempt to dump organic waste—
  - (a) in a public place; or
  - (b) on private land, without the permission of the owner or occupier of that land; or
  - (c) in water.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (3) This section does not apply to the disposal of organic waste at a waste facility.

*Hazardous waste***16 Disposal of hazardous waste, etc**

- (1) No person may dispose or attempt to dispose of hazardous waste—
  - (a) by burning it; or
  - (b) by burying or dumping it on or in land; or
  - (c) by dumping it in water; or
  - (d) by attempting to do any of the things in paragraphs (a) to (c).
- (2) A person who wishes to dispose of hazardous waste must do either of the following:
  - (a) deliver it to a waste facility that accepts hazardous waste; or
  - (b) if hazardous waste is collected by a Ministry or an Island Government, put it out for collection in accordance with this section and any relevant collection conditions.
- (3) A person disposing of hazardous waste must, when doing so, take all reasonable steps to—
  - (a) clearly identify it as hazardous; and
  - (b) keep it separate from other waste when—
    - (i) delivering it to a waste facility that accepts hazardous waste; or

- (ii) putting it out for collection (if hazardous waste is collected by a Ministry or an Island Government).
- (4) A person commits an offence if they—
  - (a) contravene subsection (1); or
  - (b) dispose or attempt to dispose of hazardous waste other than in accordance with subsection (2) or (3).
- (5) An offence against subsection (4) is punishable on conviction,—
  - (a) in the case of an individual, by a fine not exceeding \$5,000, or by a term of imprisonment not exceeding 1 year, or by both;
  - (b) in any other case, by a fine not exceeding \$100,000.
- (6) This section does not apply to the disposal of hazardous waste at a waste facility.
- (7) See section 24(5) for offences relating to dealing with hazardous waste by an operator of a waste facility.

**17 Plastic waste and tyres not to be burnt except in accordance with authorisation**

- (1) No person may burn plastic waste or a tyre, or attempt to do so, except in accordance with an authorisation issued under section 18.
- (2) A person to whom an authorisation is issued must ensure that no condition of the authorisation is breached.
- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in any other case, to a fine not exceeding \$20,000.

**18 Authorisation for burning plastic waste or tyres**

- (1) A person may apply to the relevant Ministry for an authorisation on the grounds that the burning of plastic waste or a tyre is part of an exercise that is necessary to meet the training requirements of firefighters.
- (2) Subject to the regulations and subsection (3), the relevant Ministry may issue an applicant a written authorisation on receipt of an application in an approved form accompanied by the fee (if any) prescribed by the regulations.
- (3) No authorisation may be issued under this section unless the relevant Ministry is satisfied that the burning will be carried out in accordance with risk-control procedures; and for that purpose the relevant Ministry may specify any condition considered necessary or desirable on the authorisation.
- (4) An authorisation is valid for the period of time specified in it, not exceeding 1 year, and the relevant Ministry may from time to time renew the authorisation on payment of the fee (if any) prescribed by regulations.

*Waste collection (including of hazardous waste)*

**19 Waste collection**

- (1) The relevant Ministry or an Island Government must regularly collect, or arrange for the collection of, domestic waste and recyclable waste that is put out for collection in the area for which it has responsibility under this Act.

- (2) The relevant Ministry or Island Government may also, at its discretion or as required by the relevant Minister, collect or arrange for the collection of any other kinds of waste (including hazardous waste under section 20) in an area for which it has responsibility under this Act.
- (3) The Minister must not require an Island Government to do anything under subsection (2) unless—
  - (a) the relevant Ministry has consulted that Island Government about the proposed requirement and reported the Island Government's view to the Minister; and
  - (b) the Minister has considered the Island Government's view.
- (4) All types of waste collected by or on behalf of a Ministry or an Island Government must be delivered to a waste facility that accepts that type of waste.

## **20 Collection of hazardous waste**

- (1) If hazardous waste is collected by a Ministry or an Island Government, the person (including an employee or contractor) who collects it on the Ministry's or Island Government's behalf must—
  - (a) keep it separate from other waste during collection and transportation; and
  - (b) clearly identify it as hazardous; and
  - (c) take all reasonable steps to ensure that it is transported safely and securely to a waste facility; and
  - (d) deliver it only to a waste facility that accepts hazardous waste.
- (2) A person who collects or transports hazardous waste commits an offence punishable on conviction by a fine not exceeding \$10,000 if they fail to take all reasonable steps to comply with subsection (1).

## **21 Collection conditions**

- (1) The relevant Ministry or an Island Government may set collection conditions for waste collection.
- (2) The conditions must be consistent with this Act, any regulations, the Environment Act 2003, and the Public Health Act 2024.
- (3) The conditions may include requirements concerning any of the following:
  - (a) the types of waste that must or may be collected;
  - (b) the types of waste that must not, or need not, be collected;
  - (c) the circumstances in which waste must not, or need not, be collected;
  - (d) where waste must or may be collected from;
  - (e) from whom waste must or may be collected;
  - (f) the times and frequency of collection;
  - (g) whether collection charges are payable, in which case the conditions must set out—
    - (i) the amount of the charge, or how the amount is calculated; and
    - (ii) how the charge is payable.
- (4) Different collection charges, and different ways of paying them, may apply to different types of waste, different locations, and different classes of persons.

- (5) If waste is put out for collection, the person collecting the waste may refuse to collect it if the relevant collection conditions are not complied with, but must leave a notice explaining why it was not collected.
- (6) The Ministry of Infrastructure must—
  - (a) publish current collection conditions (including those relating to outer islands) on an internet site maintained by or on behalf of the Ministry; and
  - (b) periodically notify the public of current collection conditions by other means.

*Designation or approval of waste disposal areas*

**22 Designation or approval of waste disposal areas**

- (1) The responsible Minister may, by notice in the *Gazette*, designate any Crown land as an area to be used for the disposal of waste and specify the types of waste that may be disposed of there. The Minister must not do so for an outer island unless they have considered the summary referred to in subsection (2)(d).
- (2) Before the responsible Minister designates land under subsection (1), the relevant Ministry must—
  - (a) notify the proposal to designate the land for the disposal of waste and the types of waste that may be disposed of there; and
  - (b) invite submissions from the public; and
  - (c) if the land is on an outer island,—
    - (i) invite the relevant Island Government to make a submission; and
    - (ii) meet with the Island Government if it wishes to do so; and
  - (d) summarise the submissions received under paragraphs (b) and (c) (including any matters discussed at a meeting with the relevant Island Government) and provide the summary to the Minister.
- (3) The means of notification are—
  - (a) notice in the *Gazette*;
  - (b) a separate notice to be served on the owners or occupiers of land adjoining the Crown land.
- (4) At any time before any Crown land on an outer island is designated under subsection (1), the responsible Minister may, by notice in the *Gazette*, approve any land (except Crown land) on that island to be used for the disposal of waste and the types of waste that may be disposed of there.
- (5) However, the responsible Minister must not give an approval under subsection (4) unless—
  - (a) the relevant Ministry has taken the steps in subsection (2)(c) and provided a summary of the submission from the Island Government and any matters discussed at a meeting with the Island Government to that Minister; and
  - (b) the Minister has considered the summary.
- (6) An approval under subsection (4) must not be issued except at the request of the owners of the land concerned, and expires at the earlier of the following:
  - (a) 1 year after the date of the approval:

- (b) 7 days after the first designation of Crown land on the island concerned under subsection (1).
- (7) Nothing in this section authorises any land to be used for the disposal of waste, if the lease, license, or other right by which the land is held or occupied prohibits use of the land for the disposal of waste.
- (8) This section is subject to section 36(7)(a) of the Environment Act 2003.
- (9) In this section, **responsible Minister** means the Minister responsible for the administration of the Environment Act 2003.

*Waste facilities*

**23 Requirement to obtain permit to operate waste facility and inspection of waste facilities**

- (1) A waste facility may be operated only on land designated or approved under section 22.
- (2) A Ministry, an Island Government, or an operator may operate a waste facility only if they hold a permit to do so, issued in accordance with the procedure prescribed by regulations.
- (3) However, the Ministry of Infrastructure is exempt from the requirement set out in subsection (2) for a period that—
  - (a) is set out in regulations; but
  - (b) must expire no later than 1 July 2028.
- (4) The relevant Ministry may inspect any waste facility in the Cook Islands, at any reasonable time, to monitor compliance with this Act, any regulations, or other relevant legislation. The inspection power includes the power to—
  - (a) enter and inspect the premises;
  - (b) inspect records and documents and to take copies;
  - (c) question any person present on the premises about the operation of the facility.

**24 Waste facilities**

- (1) The relevant Ministry must establish and operate waste facilities in Rarotonga on land designated under section 22, that are adequate to receive and dispose of—
  - (a) all waste that is collected locally or transported to Rarotonga from an outer island; and
  - (b) other waste deposited at the waste facilities that complies with the relevant deposit conditions.
- (2) An Island Government must establish and operate at least 1 waste facility on land designated or approved under section 22 that is adequate to receive, dispose of, or arrange for the transport of,—
  - (a) all waste that is collected locally or transported to it from another outer island; and
  - (b) other waste deposited at the waste facility that complies with the relevant deposit conditions.
- (3) The relevant Ministry or Island Government may establish different kinds of waste facilities for different types of waste.

- (4) All waste facilities, whether operated by a Ministry or an Island Government or an operator and whether in Rarotonga or on an outer island, must be operated in compliance with this Act and the regulations and the relevant requirements of the Environment Act 2003, the Public Health Act 2024, and the National Building Code.
- (5) The relevant Ministry, Island Government, or operator commits an offence and is liable on conviction to a fine not exceeding \$100,000 if they fail to comply with this Act, any regulations, or the Acts or code referred to in subsection (4), applying to the operation of the waste facility, disposal of waste, or other dealings with waste.

## **25 Deposit conditions**

- (1) The relevant Ministry or an Island Government must set conditions for depositing waste at a waste facility operated by or on behalf of them.
- (2) The relevant Ministry may set other conditions for depositing waste at a particular waste facility, a class of waste facilities, or all waste facilities.
- (3) When setting conditions that will apply to a waste facility on an outer island, the relevant Ministry must—
  - (a) consult the relevant Island Government; and
  - (b) take into account the Island Government's view when setting the conditions.
- (4) In the event of an inconsistency between a condition set by the relevant Ministry under subsection (2) and a condition set by an Island Government, the condition set by the relevant Ministry prevails.
- (5) The conditions set under subsection (1) or (2) may include requirements for any of the following in relation to the deposit of waste:
  - (a) the kinds or locations of facilities:
  - (b) the types of waste that must or may be received at facilities:
  - (c) what types of waste must not, or need not, be received at facilities:
  - (d) the circumstances in which waste must not, or need not, be received at facilities:
  - (e) the types of waste that must or may be stored at facilities:
  - (f) the payment of a deposit charge, in which case the conditions must set out—
    - (i) the amount of the charge, or how the amount is calculated; and
    - (ii) how the charge is payable.
- (6) Different deposit charges may be set for different kinds of waste facilities, different types of waste, or different classes of persons delivering waste, and charges may vary depending on whether and how the waste is sorted by the person delivering it.
- (7) The relevant Ministry or Island Government that operates a waste facility—
  - (a) must ensure that all relevant deposit conditions are clearly set out and available to be read by any person wishing to deliver waste to the facility; and

- (b) may refuse to accept waste from a person if the person does not comply with a deposit condition and, if it does accept the waste, may require payment of an additional charge.
- (8) The Ministry of Infrastructure must—
- (a) publish current deposit conditions (including those relating to outer islands) on an internet site maintained by or on behalf of the Ministry; and
  - (b) periodically notify the public of current deposit conditions by other means.

*Disposal of waste at waste facilities*

**26 Responsible waste disposal**

- (1) The relevant Ministry must ensure that waste at all waste facilities operated in Rarotonga is disposed of in a responsible manner as provided in subsection (3).
- (2) An Island Government must ensure that waste is disposed of in a responsible manner as provided in subsection (3) on the relevant outer island at or on the following:
- (a) a waste facility operated by it or on its behalf;
  - (b) land approved under subsection 22(4).
- (3) Waste is disposed of in a **responsible manner** if it is disposed of by any of the following means:
- (a) in the case of paper, by transformation (for example, composting), putting it in a landfill, or destroying it by incineration;
  - (b) in the case of organic and biodegradable matter, by transformation (for example, composting) or destroying it by incineration;
  - (c) in the case of recyclables, to the extent reasonably practicable, arranging for the recycling of the waste;
  - (d) in the case of any waste to be transported between islands for disposal elsewhere, arranging for and ensuring the safe and secure transport of the waste to another waste facility;
  - (e) in the case of any waste to be transported outside of the Cook Islands from Rarotonga, arranging for the safe and secure transport of the waste to a facility outside of the Cook Islands that is approved by the relevant Ministry as suitable for disposal of that waste;
  - (f) in the case of waste that is not recyclable waste or hazardous waste, by putting it in a waste facility, for example a landfill;
  - (g) in the case of hazardous waste only, by putting it in secure indefinite storage;
  - (h) in the case of general medical and biosecurity waste, by incineration.
- (4) **Relevant outer island**, includes an island for which an Island Government is responsible under regulations made under section 44(b).

## Part 4 Control of litter

### 27 Control of litter in public places

- (1) A person who is responsible for a public place where litter is or is likely to be deposited must, at all times, provide and maintain in that place as many litter receptacles as are reasonably necessary to keep the place free from litter.
- (2) If litter generated on or attributable to particular premises is or is likely to be carried from, or to otherwise spread from, those premises onto a public place, an enforcement officer may require the occupier of the premises to take all reasonable steps to prevent that litter from being carried to, or moving onto, the public place.
- (3) If an enforcement officer believes on reasonable grounds that excessive litter on a public place is attributable to or comes from particular premises, the enforcement officer may require the occupier of the premises to provide and maintain in the public place or adjacent to or within the vicinity of the land or premises as many litter receptacles as are reasonably necessary to keep the public place free from that litter.
- (4) If an occupier fails to comply within a reasonable time with a requirement of an enforcement officer under subsection (2) or (3), the officer—
  - (a) may take reasonable steps to remedy that default; and
  - (b) may recover the cost of doing so from the occupier as a debt due to the Crown.
- (5) A person to whom subsection (1) or (3) applies must also make appropriate provision for—
  - (a) emptying the contents of litter receptacles provided within the public places under that person's control or management; and
  - (b) the removal and disposal of those contents.
- (6) The work required by subsection (5) must be carried out promptly, efficiently, and at regular intervals.
- (7) See section 30 for relevant offences.
- (8) In this section—

**litter receptacle** means a litter receptacle of suitable construction and design for the temporary deposit of litter

**responsible for a public place** means being in control of or having responsibility for the management of that place.

### 28 Occupiers of private land to clear litter

- (1) An enforcement officer may serve on a person who is the occupier of private land, or in whom land is vested or who controls or manages the land, a notice, in writing, requiring the person, to the satisfaction of the officer, to take 1 or more of the following actions specified in the notice within the time specified in the notice:
  - (a) clear away, or remove, litter from the land;
  - (b) clean up the litter;
  - (c) screen, cover, or otherwise obscure from view the litter.

- (2) If, on the representations of a person served with a notice under subsection (1), the officer is satisfied that steps have been taken to comply with the requirements of the notice but the person has been prevented by reasonable cause from completing the necessary work within the time specified, the officer may extend the time specified for a further period as they think fit.
- (3) *See* section 30 for relevant offences.

### **29 Appeals against notices under section 28**

- (1) A person who receives a notice under section 28 may appeal against the requirements of the notice within 7 days after receiving it on the grounds that those requirements are unreasonable.
- (2) An appeal must be made in writing to the Court.
- (3) A registrar of the Court must—
  - (a) appoint a time and place for hearing the appeal; and
  - (b) give reasonable notice of that time and place to the appellant, who is entitled to be present and heard.
- (4) The Court must hear the appeal and, after hearing it, may confirm, cancel, or vary the requirements of the notice.
- (5) *See* section 30 for relevant offences.

### **30 Offences relating to litter**

- (1) A person commits an offence if they, without reasonable excuse or lawful justification,—
  - (a) deposit litter in or on a public place; or
  - (b) deposit litter in or on private land without the consent of its occupier; or
  - (c) deposit litter in or on private land in the ownership or possession of a person who does not reside in the Cook Islands, whether or not that person consents to it; or
  - (d) deposit organic litter in or on land other than land designated or approved for the disposal of organic waste under section 22; or
  - (e) having deposited litter (whether inadvertently or otherwise) in or on a public place, or in or on private land without the consent of its occupier, leave the litter there after having been requested by an enforcement officer to remove it; or
  - (f) refuse or fail to comply with section 27(1), (5), or (6); or
  - (g) refuse or fail to comply with a requirement made under section 27(2) or (3); or
  - (h) refuse or fail to comply with a notice issued under section 28 or refuse or fail to comply with a decision of the Court under section 29; or
  - (i) deposit domestic waste in a litter receptacle in a public place; or
  - (j) intentionally release balloons or lanterns.
- (2) Subsection (1)(j) does not apply to the release of balloons or lanterns for meteorological purposes.
- (3) A person who is convicted of an offence against subsection (1), is liable,—
  - (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in any other case, to a fine not exceeding \$20,000.

- (4) If the Court convicts a person of an offence against this section, it may, if it thinks fit, do the following in addition to imposing a penalty under subsection (3):
- (a) if the litter remains in the place where it was deposited by the person, order them, under the supervision and to the satisfaction of a person nominated by the Court, to clear up and remove it within the period and to the place that is specified in the order;
  - (b) if the litter has been removed, order the person to pay by way of compensation to the public authority or the owner or occupier a sum that the Court considers is reasonable to cover the cost of the clearing up and removing the litter;
  - (c) on the making of an order referred to in paragraph (a) or (b), order that if the person fails to comply with the order they are liable, in addition to any other penalty imposed, to a fine not exceeding \$5,000.
- (5) An amount awarded under subsection (4)(b) is a judgment debt due to the public authority, owner, or occupier from the offender and may be enforced in any manner in which a judgment or an order of the Court for the payment of a civil debt may be enforced.
- (6) In subsection (4)(a), **deposited by the person**, in relation to litter in a place, includes if litter remains in the place as a result of an offence against subsection (1) even if the person did not physically deposit the litter themselves.

### **31 Wilful breaking of bottles or glass**

- (1) A person commits an offence if they wilfully break a bottle, glass, or an article made of glass—
- (a) in or on a public place without lawful authority or without the express consent of the public authority that has the control or management of the public place; or
  - (b) in or on private land without lawful authority or without the express consent of the occupier of the private land.
- (2) A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$5,000.

## **Part 5**

### **Commercial waste collection services**

#### **32 Purpose of Part 5**

- (1) The purpose of this Part is to ensure that waste generated by the general public and businesses that is collected by commercial operators is safely and securely collected, transported, and disposed of at a waste facility by the commercial operators.
- (2) In this Part, **commercial operator** means a person who provides waste collection services.

**33 Responsibilities of commercial operators***Waste collected in receptacles*

- (1) A commercial operator who provides a receptacle to others in which waste is placed for collection by the commercial operator must ensure that the requirements of subsections (2) to (6) are met for the receptacle.
- (2) The receptacle must—
  - (a) comply with the regulations; or
  - (b) in the absence of regulations, be of a design and construction that is adequate to protect the interior from rain and to prevent rats, flies, and other vermin from getting in.
- (3) The receptacle must be kept—
  - (a) as clean as practicable; and
  - (b) in good order and condition; and
  - (c) covered at all times, except when a person is placing waste in it or emptying it; and
  - (d) secured or located so that no dogs or other animals can gain access to its contents.
- (4) The receptacle must not be in a public place, except—
  - (a) when placed there to allow the collection of waste from the receptacle; and
  - (b) during the period beginning 24 hours before, and ending 24 hours after, the usual time that waste is collected from the receptacle.
- (5) If the receptacle is placed in a public place by the commercial operator for the purpose of waste collection and is not emptied within 24 hours of the usual time of waste collection, the commercial operator must ensure that—
  - (a) the receptacle is immediately removed from the public place; and
  - (b) an enforcement officer is notified as soon as possible.
- (6) If, at any time, the contents of the receptacle are scattered or otherwise fall out of the receptacle, those contents must as soon as practicable be cleared up by the commercial operator and be—
  - (a) replaced in the receptacle; or
  - (b) otherwise disposed of in a lawful manner.
- (7) The commercial operator must collect and transport the waste safely and securely to a waste facility that accepts the type of waste and dispose of it there.

*Bulky waste*

- (8) A commercial operator who collects bulky waste must collect and transport it safely and securely to a waste facility that accepts that type of waste and dispose of it there.

*Offence*

- (9) A person who contravenes subsection (1), (7), or (8) commits an offence and is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in any other case, to a fine not exceeding \$20,000.

**34 Exceptions to section 33**

Nothing in section 33 applies to a receptacle approved by the relevant Ministry or an Island Government to be placed in a public place for use by the general public (for example, a litter receptacle).

**35 Responsibilities of persons who use commercial waste collection services**

- (1) This section applies to a person who—
- (a) is in physical occupation of a building (whether for domestic or business reasons); and
  - (b) makes use of a receptacle to which section 33 applies to dispose of waste generated in or around the building.
- (2) That person must ensure that no waste generated in or around their building is placed in the receptacle in breach of any of subsections (3) to (5).
- (3) No broken glass, sharp object, or other item that may cause physical injury may be placed in the receptacle unless it is wrapped or secured in such a way as to make it unlikely to cause injury.
- (4) No organic materials except paper and cardboard may be placed in the receptacle.
- (5) No hazardous waste may be placed in the receptacle.
- (6) A person who contravenes subsection (2) commits an offence and is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$2,000;
  - (b) in any other case, to a fine not exceeding \$20,000.

**Part 6****Advance recovery and disposal fees****36 Advance recovery and disposal fee**

- (1) A person who imports goods (an **importer**) must pay to Customs the amount set out in Schedule 3 as an advance recovery and disposal fee for any item listed in that schedule.
- (2) Regulations may amend Schedule 3 by removing, adding, or amending items or amounts payable. Items may relate to goods or classes of goods.
- (3) The fee must be paid to Customs before the date on which the goods are released by Customs, or on an earlier or later prescribed date.
- (4) Despite anything in the Control of Prices Act 1966, an importer may add the amount of the fee on each item imported to the retail price of the relevant goods, but the amount of VAT payable is not affected by the fee.
- (5) The relevant Ministry must take reasonable steps to notify affected importers of any increase in an advance recovery and disposal fee or a new fee made under subsection (2) before it takes effect.
- (6) However, a failure to notify importers does not affect the validity of an increase in the fee.
- (7) Regulations may exempt goods or classes of goods from the payment of advance recovery and disposal fees.

**37 Entitlements to refunds on items returned**

A person in possession of an item for which an advance recovery and disposal fee has been paid is entitled to a refund of the amount set out in regulations (which may be less than the advance recovery or disposal fee), if the person gives the item—

- (a) to the relevant Ministry at a collection depot or a place specified in regulations; or
- (b) to another person operating a collection depot or a place specified in regulations, with the authority of the Ministry;
- (c) to a depot operated under the authority of the Ministry that uses a mechanised system of disposal.

**38 Offences relating to advance recovery and disposal fees**

A person commits an offence and is liable on conviction to a fine not exceeding \$50,000 if they—

- (a) intentionally refuse, or without reasonable excuse fail, to pay an advance recovery and disposal fee that they are liable to pay; or
- (b) intentionally, with intent to defraud, claim or take the benefit of an exemption from an advance recovery and disposal fee without being entitled to that benefit.

**39 Civil proceedings**

An advance recovery and disposal fee that is unpaid after it has become due for payment is recoverable by Customs from the person liable to pay the debt as a debt due to the Crown.

**Part 7****Supply of plastic shopping bags prohibited****40 Retailers must not supply plastic shopping bags**

- (1) A retailer must not supply plastic shopping bags for the purpose of distributing goods sold by the retailer in the Cook Islands.
- (2) For the purposes of this Part, plastic shopping bags are supplied **for the purpose of distributing goods** only if they are—
  - (a) supplied to retail customers to enable goods to be taken away in them from the point of sale; or
  - (b) supplied to enable goods to be delivered in them to retail customers by the retailer or the retailer's agent.
- (3) For the purposes of this Part, plastic shopping bags and goods are **supplied** to a person if they are sold to the person for monetary consideration or given to the person free of charge.

**41 Offence**

A person who contravenes section 40 commits an offence and is liable on conviction to a fine not exceeding \$20,000.

## Part 8

### Miscellaneous provisions

#### 42 Contracting out

- (1) A Ministry or an Island Government may enter into contracts with any person to perform any of the functions of the Ministry or Island Government under this Act relating to the collection, transportation, or disposal of waste.
- (2) The collection conditions and deposit conditions that apply when a contract is entered into form part of the conditions of the contract and, if the conditions change, the contract is deemed to be varied accordingly.
- (3) Despite subsections (1) and (2), a Ministry or an Island Government—
  - (a) must not contract out the function of setting collection conditions or deposit conditions:
  - (b) may agree in writing to disapply or modify any of the collection conditions or deposit conditions that have been set by the Ministry or an Island Government and would otherwise form part of a contract under subclause (2).
- (4) A contractor performing or exercising a function, duty, or power under this Act or a contract referred to in subsection (1) may contract or subcontract with another person to perform or exercise that function, duty, or power.
- (5) However, if a contractor does contract or subcontract as permitted by subsection (4), they are liable for any breach of this Act or the regulations committed by the person they contract or subcontract with together with that person.

#### 43 Liability of directors and senior officers

- (1) If it is alleged that an offence under this Act has been committed by an incorporated body, the directors or senior officers may be the subject of criminal proceedings together with the incorporated body. They are liable on conviction for a separate penalty for the offence as if they were an individual convicted of the offence.
- (2) It is not necessary for the prosecution to prove that the director or senior officer had knowledge of the conduct constituting the offence.

#### 44 Regulations

The King's Representative may, by Order in Executive Council, on the advice of the Minister of Infrastructure, make regulations for all or any of the following purposes:

- (a) regulating the storage, collection, treatment, removal, transportation, sorting, or disposal of, or other dealings with waste, including prescribing for any of the following:
  - (i) requirements relating to the health and safety of persons who handle or are otherwise in contact with waste:
  - (ii) requirements relating to the disposal of waste outside of the Cook Islands in a way that preserves the environment and the health and safety of persons who handle the waste:
  - (iii) standards for high-temperature incineration or incorporating those standards by reference:

- (iv) requirements relating to the operation of waste facilities (including landfills):
- (v) requirements for receptacles for waste:
- (b) providing for an Island Government to be treated as the Island Government of any of the islands of Manuae, Suwarrow, or Takutea for the purposes of this Act:
- (c) amending or adding articles or substances to the list of prohibited imports in Schedule 1 or deleting articles or substances from the list:
- (d) providing for the establishment of 1 or more committees for 1 or more outer islands to prepare a plan described in section 46(5) and for the functions and powers of each committee:
- (e) prescribing forms to be used for the purposes of this Act:
- (f) setting fees for applications under this Act:
- (g) the purposes of Part 6 (which relates to advance recovery and disposal fees), including—
  - (i) amending Schedule 3 in accordance with section 36(2) relating to the goods or classes of goods for which an advance recovery and disposal fee is payable:
  - (ii) exempting goods or classes of goods from advance recovery and disposal fees:
  - (iii) setting or altering the amount of any refund payable in respect of an item or a class of items under section 37:
  - (iv) specifying collection depots or other places under section 37:
- (h) providing for—
  - (i) the issue, suspension, revocation, and duration of permits to operate a waste facility:
  - (ii) a period for which the Ministry of Infrastructure is exempt from the requirement in section 23 to hold a permit to operate a waste facility:
  - (iii) the inspection of waste facilities under section 23:
- (i) prescribing offences and minor offences for breaches of specified regulations, penalties for offences and minor offences under the regulations, and the content of minor offence notices to be used for the purposes of this Act or the regulations:
- (j) amending Schedule 2 relating to minor offences to amend, add, or delete provisions to or from that schedule or to increase or decrease the fine payable in any case:
- (k) setting refunds for recyclable items delivered to a waste facility:
- (l) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

#### 45 Relationship with other Acts

Nothing in this Act affects the duty of a Ministry or an Island Government or any person to comply with, and liability for a failure to comply with, the Prevention of Marine Pollution Act 1998, the Environment Act 2003, and the Public Health Act 2024.

**46 Administration of this Act**

- (1) A committee to prepare, agree, oversee, and monitor a plan for the administration of this Act in Rarotonga (except for the matters dealt with under section 22 and Part 4) is established.
- (2) The committee may at any time amend or replace the plan.
- (3) The members of the committee are the Secretary of Health, the Director of the National Environment Service, and the Secretary of the Ministry of Infrastructure.
- (4) The committee may regulate its procedure in the manner it thinks fit.
- (5) *See* section 44(d), which allows regulations to provide for the establishment and operation of 1 or more committees for 1 or more outer islands to prepare a plan for that outer island or those outer islands. The plan is for the administration of this Act in that outer island or those outer islands (except for matters dealt with under section 22 and Part 4).
- (6) If no plan is made for Rarotonga under subsection (1) or for an outer island under subsection (5), the responsibility for administering the Act for Rarotonga or that island is with the Ministry of Infrastructure. However, the Ministry of Infrastructure can take into account a draft plan when administering this Act prior to a plan being finalised.
- (7) Part 4 is administered by the National Environmental Service.
- (8) A plan referred to in subsection (1) or (5)—
  - (a) must be published on the Parliament of the Cook Islands internet site; and
  - (b) may also be published on another internet site chosen by the committee to which the public has access for free and that contains other information about waste disposal in the Cook Islands.
- (9) A plan must be reviewed no less than every 3 years.

*Repeals and revocation***47 Repeals and revocation**

- (1) The following Acts are repealed:
  - (a) Part 6 of the Public Health Act 2004;
  - (b) Part 7 of the Environment Act 2003.
- (2) The Prohibition on Importation of Plastic Shopping Bags Regulations 2012 are revoked.

*Transitional and savings provisions***48 Transitional provisions**

- (1) During the period of 1 year after this section comes into force,—
  - (a) any conditions (written or unwritten)—
    - (i) that apply to the collection of waste by or on behalf of the relevant Ministry are to be treated as collection conditions set under section 21; and
    - (ii) that apply to the disposal of waste by or on behalf of the relevant Ministry are to be treated as deposit conditions set under section 25; and

- (b) any contract under which a person performs any function of a Ministry or an Island Government under this Act is to be treated as a contract entered into in accordance with section 42.
- (2) For a vehicle or other machinery that is not working or does not have a current warrant of fitness and that is stored on private land on the day on which section 13 commences,—
  - (a) the day on which section 13 commences is to be treated as the day on which storage on the land referred to in section 13(3)(b) begins; and
  - (b) the 2-month period referred to in section 13(3)(b) starts on that day.

**Schedule 1**  
**Prohibited articles and substances**

Lightweight plastic bags, including shopping bags

Plastic straws and cocktail stirrers

Plastic cutlery

Plastic containers with no PET number or with any of numbers 3, 4, 5, and 7, including plastic plates and sealable food containers

Plastic and polystyrene cups, including plastic-lined coffee cups

Polystyrene containers and meat trays

Plastic-packaged single-serve butter and spreads

Products containing microbeads

**Schedule 2**  
**Minor offences**

| <b>Provision of Act</b>                                       | <b>Fine (\$)</b> |
|---|------------------|
| Section 12(2) (domestic and recyclable waste)                 | 250              |
| Section 13(5) (bulky waste)                                   | 250              |
| Section 14(3) (building and demolition waste)                 | 250              |
| Section 15(2) (organic waste)                                 | 250              |
| Section 16(4) (hazardous waste)                               | 250              |
| Section 17(3) (burning plastic waste or tyres)                | 250              |
| Section 24(5) (waste facilities)                              | 250              |
| Section 30(1) (litter)  | 250              |
| Section 31(2) (breaking bottles or glass)                     | 250              |
| Section 33(9) (commercial operators)                          | 250              |
| Section 35(6) (users of commercial waste collection services) | 250              |
| Section 38 (advance recovery and disposal fees)               | 250              |
| Section 41 (plastic shopping bags)                            | 250              |

**Schedule 3**  
**Goods for which advance recovery and disposal fee payable**

| <b>Goods</b>  | <b>Fee (\$)</b> |
|---|-----------------|
| Beverage bottles (PET plastics)                                     | 0.40            |
| Beverage cans (aluminium)   | 0.30            |
| Tyres (between 3kg to 10kg)   | 6.00            |
| Tyres (11kg to 50kg)  | 11.00           |
| Tyres (51 to 100kg+)  | 22.00           |
| Laptops   | 32.00           |
| Monitors  | 32.00           |
| Computers   | 32.00           |
| Medium television (up to 10kg)                                      | 42.00           |
| Large television (10kg+)  | 62.00           |
| Office printers (up to 20kg)  | 44.00           |
| Commercial printers (21kg to 100kg+)                                | 114.00          |
| Microwaves  | 32.00           |
| Ovens and dishwasher  | 82.00           |
| Washing machines  | 82.00           |
| Dryers  | 82.00           |
| Fridge  | 82.00           |
| Commercial chillers   | 202.00          |
| Deep freezers   | 72.00           |
| Air conditioner   | 72.00           |
| Vehicles and machinery (up to 100kg eg small scooters)              | 50.00           |
| Vehicles and machinery (101kg+ eg motorbikes)                       | 100.00          |
| Vehicles and machinery (up to 3,000kg eg cars)                      | 450.00          |
| Vehicles and machinery (between 3,001kg to 20,000kg eg SUVs/trucks) | 1,050.00        |
| Vehicles and machinery (above 20,000kg)                             | 2,000.00        |

---

This Act is administered by the Ministry of Infrastructure.  
Printed under the authority of the Cook Islands Parliament—2024.

---