

[07/02/2024]

File Ref: OIA 48048

[REDACTED]  
[REDACTED]

Tēnā koe [REDACTED]

### **Official Information Act request**

Thank you for your information request dated 10 January 2024. You asked for the following information:

*“all information regarding the advice provided for the Minister for Maori Development for repealing the Smoke free legislation – including the implications it will have on closing health inequities for Maori and Whanau Ora providers that work with whanau to quit smoking”.*

Your request has been considered in accordance with the Official Information Act 1982 (the Act).

Three documents have been identified in scope of your request. The documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A.

Some information has been withheld in accordance with the Act on the following grounds:

- Section 9(2)(a)

I trust my response satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602. Ngā mihi nui ki a koe.



Paula Rawiri  
Hautū, Te Puni Kaupapa Here | Deputy Secretary, Policy Partnerships

Appendix A – documents OIA request from [REDACTED] dated 10 January 2024

Item	Date	Document description	Decision
1.	07/12/2023	47954- Advice to the office- Whānau Ora and smokefree repeal programme	Released in full
2.	14/12/2023	48011- MIN CONSULT- Cabinet paper: Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations	Released with some information withheld under Section 9(2)(a)
3.	19/12/2023	(EMAIL) Options to Repeal Amendments to the Smokefree Environments and Regulated Products Act 1990 and Associated Regulations	Released with some information withheld under Section 9(2)(a),



*Advice commissioned 07/12/2023*

<b>Type of advice:</b>	Information for Minister
<b>Due date:</b>	1145am, Thursday 7 December
<b>Format:</b>	A note/email is fine
<b>Subject:</b>	<p><b>Whānau Ora and smokefree repeal programme</b></p> <p>The Minister asked for the advice to be concise and focus on two points, setting out the:</p> <ul style="list-style-type: none"> <li>• proposed repeals</li> <li>• any impact these repeals may or may not have on Whānau Ora.</li> </ul> <p>I don't have much more of an indication than that sorry. I think there are probably longer-term impacts on the types of communities/whānau that Whānau Ora supports. In the immediate term, I imagine the smoking cessation programmes will continue, in line with the Government's broader goal to lower smoking rates.</p>
<b>Additional information:</b>	N/A
<b>Attachment:</b>	N/A

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- **What are the proposed repeals?**

- Te Puni Kōkiri has not yet been provided with the finalised detail on the repeals from the Ministry of Health.
  - Te Puni Kōkiri will receive the draft Cabinet paper pertaining to the repeals as part of agency consultation on Friday 7 for comment.
- From information, we anticipate that the repeals will focus on the following amendments introduced via the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Regulations 2023, and which came into force on 1 January 2023. These include:
  - restricted the sale of smoked tobacco products to a limited number of approved retail outlets; and
  - prohibited anyone from selling or supplying smoked tobacco products to people born on, or after 1 January 2009
  - extended the Act's regulatory powers over the composition of smoked tobacco products such as nicotine levels
  - included requirements for approval for specialist vape providers and for approval as a smoked tobacco retailer.

- **What are the impacts these repeals may or may not have on Whānau Ora?**

- It is too early to say what the impact of the repeals will have on the Whānau Ora initiative or commissioning.

- **However, Whānau Ora will continue to have a role in supporting whānau health**

- As the Minister for Whānau Ora, I believe that the Whānau Ora initiative will continue to have a role in supporting whānau hauora.
- The Whānau Ora commissioning agencies employ a whānau-centred and community-based approach that supports and enables whānau to achieve their aspirations – whatever they may be. This approach involves connecting whānau to services and government supports that will meet their needs.
- Evidence has found that Whānau Ora contributes to positive outcomes relating to improved access to services and health outcomes, including the reduction and cessation in smoking, drug and alcohol use.
- The initiatives funded by Whānau Ora are holistic, which means they can support whānau achieve an array of goals. This includes any objectives they may have pertaining to smoking cessation.
- A good example of this is from the Whānau Ora commissioning agency, Pasifika Futures. One of their key outcomes is *Healthy Lives: Seeing families living longer and living better*. This includes smokefree families.



- The results of this focus in FY 22/23 saw Pasifika Futures support 2,693 smokefree families (up 220 families from the previous year).
- **(If required) Māori are highly represented among current smokers**
- In 2021–2022, smokers by population group included: 19.9% of Māori, 18.2% of Pasifika, 2.6% of Asian and 7.2% of European/Other aged 15 years and older smoked at least daily.
- Māori were 3.4 times more likely than non-Māori to be daily smokers (adjusted for age and gender).
- Māori were 2.9 times more likely than non-Māori to be current smokers (adjusted for age and gender).
- Māori women were 3.1 times more likely to be current smokers compared to non-Māori women (adjusted for age).
- Māori are also highly susceptible to the negative health consequences pertaining to smoking.

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**Ministerial Consultation on *Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations***

**From: Hon Casey Costello, Associate Minister of Health**

**Author: 9(2)(a) Te Puni Kōkiri**

**Due: 14 December 2023**

**Context**

1. You received a copy of the *Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations* Cabinet paper on 14 December 2023. Minister Costello intends to take the paper to Cabinet on 18 December 2023.

**Purpose**

2. The paper seeks agreement to reverse amendments to the Smokefree Act pertaining to the reduction in retail outlets able to sell tobacco products denicotinisation, and the smokefree generation ban.

**Recommended action**

3. **Note** that the feedback provided by Te Puni Kōkiri was largely unintegrated into his paper.
4. **Consider raising** that the repeal programme needs to be accompanied by additional supports that protect and/or restore the health of those highly susceptible to smoking-related health issues.
5. **Consider raising** that Māori and Pasifika are highly represented in negative health statistics relating to smoking, and that the repeals will have a disproportionate impact on their health.
6. **Consider raising** that the impact of smoking on young people and rangatahi should also be considered in the paper.

**Risks**

7. The paper does not provide evidence or research on the predicted crime rate retailers may experience (due to reduction of retail outlets selling tobacco products), or whether the benefits of the proposals are outweighed by potential downside impacts, including the estimated health impacts the repeals will have on people, especially Māori and Pasifika.
8. The paper only includes minimal mention of the concerns raised by health professionals on the proposed repeals and heavily underestimates the effect smoking has on Māori and Pasifika. For example, according to the National NZ Cancer Registry, between 2016 and 2020 around 6,300 Māori reported suffering cancer related to smoking. There is also an economic impact, as Stats NZ in 2020 reported that cigarettes and tobacco made up more than 4 per cent of all expenses for beneficiary and Māori households, compared to 3 percent for all households.
9. The paper does not propose any new initiatives to achieve the Smokefree 2025 target, despite citing that it is committed to achieving this goal. The paper could mention what new supports could be rolled out if the repeals are to proceed.
10. The impact that the repeals have on young people and rangatahi Māori should also be considered in this paper, as introductions to smoking typically begins at an early age.

**Te Puni Kōkiri involvement**

11. Te Puni Kōkiri has been consulted and provided feedback during the development of this Cabinet paper. Our feedback was not integrated into this version of the paper, except the inclusion of Whānau Ora (the institution/model) into the appendix.

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9(2)(a)

**From:** 9(2)(a)  
**Sent:** Tuesday, 19 December 2023 10:54 am  
**To:** 9(2)(a)  
**Cc:** [Redacted]  
**Subject:** Options to Repeal Amendments to the Smokefree Environments and Regulated Products Act 1990 and Associated Regulations  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kia ora koutou

Thank you again for the advice about the smokefree repeal proposals.

I understand that yesterday, Minister Potaka raised some issues with the responsible Minister, and following that discussion, has asked that Te Puni Kōkiri work with MOH to have visibility across the rollout of the repeal legislation, with a particular focus on funding for cessation programmes, especially with rangatahi (based on a data-driven approach).

Out of Scope

Happy to discuss,  
Erin



9(2)(a)  
Private Secretary, Māori Development | Office of Hon Tama Potaka  
Minister for Māori Development | Minister for Whānau Ora | Minister of Conservation | Minister for Māori Crown Relations  
| Associate Minister of Housing (Social Housing)

9(2)(a)  
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