

19 July 2022

s 9(2)(a)

Email s 9(2)(a)  
Ref H2022005882

Dear s 9(2)(a)

### Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 28 June 2022 for:

*“A list of all AVP/SVR application that have been declined because they are not aligned with the intent and purpose of the legislation”*

The Vaping Regulatory Authority (VRA) assesses applications for approval to become specialist vape retailers in relation to specified retail premises under section 14A of the Smokefree Environments and Regulated Products Act 1990 (SERPA).

The VRA also considers the intent and purpose under section 3A of SERPA during the assessment process of any type of application.

As of the date of this request, the VRA have declined the following applications under section 14A:

- two approved vaping premises (AVP) applications on the basis that the proposed premises did not align with the intent and purpose of the legislation and
- one specialist vape retailer (SVR) application.

The SVR application was declined on the basis that the applicant could not be approved to operate as a SVR under section 14A. The applicant would not have had an approved vaping premise for which the specialist vape retailer application applies to. The names of the AVP/SVR applications are withheld in full under section 9(2)(ba)(i) of the Act, to protect information that is subject to an obligation of confidence and making it available would likely prejudice the supply of similar information, or information from the same source. Where information is withheld under section 9 of the Act, I have considered the countervailing public interest in release in making this decision and consider that it does not outweigh the need to withhold at this time.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Yours sincerely



Chris James  
**Licensing Authority**  
**Vaping Regulatory Authority**