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18 January 2023

s 9(2)(a)

By email: s 9(2)(a)
Ref: H2022017883 Follow Up

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your follow up query under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 23 December 2022 for information regarding the Regulatory Impact Statement (RIS) for regulating natural health products. You requested:

“Can you confirm that ZERO consultation was undertaken regarding the inclusion of NHPs within the Therapeutic Products Bill at the time the Ministry’s Papers and Regulatory Committee (the Committee) responsible for providing quality assurance on the RIS met on 21 May 2021?”

Manatū Hauora did not undertake specific and separate public consultation on including natural health products (NHPs) in the Therapeutic Products Bill in May 2021. We note that it is not a requirement for the Government to consult on the exact legislative means by which it will give effect to policy. There has, however, been extensive consultation on the underlying rationale for regulating NHPs. Paragraph 31 of the publicly available Cabinet paper on regulating NHPs states that “Previous work on natural health product regulation has included four rounds of consultation between 2010 and 2019. The sector has provided consistent feedback: the majority supports regulation, provided it is practical, proportionate and risk based.”

Additionally, some submitters to the 2018 exposure draft of the Therapeutic Products Bill commented, unprompted, on whether NHPs should or should not be part of the Bill.

We therefore reiterate that the significant consultation on regulating NHPs, as outlined in the Ministry’s response to you on 23 December 2022 (H2022017883 refers), was considered sufficient to subsequently include NHPs in the Bill, while working on further policy improvements.

We note that the approach taken in regulating NHPs is consistent with the equivalent regulatory regimes in comparable countries such as Australia and Canada.

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 or by calling 0800 802 602.

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

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Steve Waldegrave', with a long horizontal flourish extending to the right.

Steve Waldegrave
Associate Deputy Director-General
Strategy, Policy and Legislation | Te Pou Rautaki