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14 February 2023

s 9(2)(a)

By email: s 9(2)(a)  
Ref: H2023019423

Tēnā koe 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 Manatū Hauora (the Ministry of Health) on 13 December 2023 for information regarding the sale of tobacco imports in New Zealand. You requested:

*“Why ... Government allow any sales of a drug that kills...that means there's no protection for health and that lays with NZ Government”*

While the Act allows New Zealanders to ask for information from government agencies, there is no requirement for agencies to provide or prove an opinion. Furthermore, the Act does not support requests where an opinion, comment, argument, or hypothetical statement is put to the Ministry for response, couched as a request for information. Therefore, your request is refused under section 18(g) on the grounds that it is not held by Manatū Hauora.

Tobacco is a legal product in Aotearoa and is regulated under the Smokefree Environments and Regulated Products Act 1990. This Act has several purposes, including to regulate harmful products in a way that minimises harm. You can find the Act here: [www.legislation.govt.nz/act/public/1990/0108/latest/whole.html#DLM3913904](http://www.legislation.govt.nz/act/public/1990/0108/latest/whole.html#DLM3913904).

The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act came into force on 1 January 2023. Among other changes, this Act will limit the number of tobacco retailers from the current level of around 6,000, to fewer than 600 in 2024. Manatū Hauora is consulting on regulations to give effect to the amendment act. You can read more about the changes and make a submission here: <https://consult.health.govt.nz/tobacco-control/proposals-for-the-smoked-tobacco-regulato/>.

As you may be aware, Aotearoa aspires to become the first smokefree nation in the world with the launch of the Smokefree Aotearoa 2025 Action Plan. The goals of the Action Plan include creating a smokefree generation and increasing the number of people who successfully quit smoking. You can find more information on the Action Plan here: [www.health.govt.nz/publication/smokefree-aotearoa-2025-action-plan-auahi-kore-aotearoa-mahere-rautaki-2025](http://www.health.govt.nz/publication/smokefree-aotearoa-2025-action-plan-auahi-kore-aotearoa-mahere-rautaki-2025).

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 Manatū Hauora 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).

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Jane Chambers'.

Jane Chambers  
**Group Manager, Public Health Policy and Regulation**  
**Public Health Agency | Te Pou Hauora Tūmatanui**