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9 April 2024

§ 9(2)(a)

Ref: H2024037325

Tēnā koe § 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 – Manatū Hauora (the Ministry) on 7 March 2024 for information regarding the Therapeutic Products Act 2023 (TPA). You requested:

*The timeframe for this request is from November 27, 2023 to the date of this request. All reports, submissions, aide memoire, emails, analysis, correspondence and communications on any platform, sent, held or received by the Ministry in relation to:*

- *Plans to repeal the Therapeutics Products Bill*

On 11 March 2024, you were contacted by the Ministry and asked to refine your request, as it would likely require a substantial amount of time to collate. In order to provide you with the information sooner, you were asked to specify which email correspondence you were interested in. The Ministry interpreted your request to be for formal correspondence containing advice or decisions relating to the Ministry's work to progress the repeal of the TPA.

On 18 March 2024, the Ministry followed up with you on a refinement of your request and asked that you narrow your request for email correspondence to be between the Ministry and the Office of the Associate Minister of Health, Hon Casey Costello. On the same day you agreed to narrow your request for email correspondence.

The Ministry has identified two email correspondence within scope of your request. These documents are itemised in Appendix 1 and copies of the documents are enclosed. Where information is withheld, this is outlined in the Appendix and noted in the document itself.

The documents appended to these email correspondence are withheld in full under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers and officials. The advice provided to the government currently remains under active consideration and releasing this information would prejudice the orderly and effective conduct of government decision-making processes. 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.

A further three documents were identified in scope of your request and provided to the Minister of Health, Hon Dr Shane Reti prior the delegation of the TPA to the Associate Minister of Health, Hon Casey Costello on 2 February 2024. These documents are also withheld in full under section 9(2)(f)(iv) of the Act.

While I am unable to release you copies of the briefings sent to the Ministers of Health at this time, I have provided you with a list of documents sent to the Ministers of Health:

- Briefing: Implications of repealing the Therapeutic Products Act (H2023033595)
- Briefing: Draft Cabinet paper on repealing the Therapeutic Products Act (H2023033302)
- Cabinet Paper: Repealing the Therapeutic Products Act
- Cabinet Paper: Progressing the Government's commitment to repeal the Therapeutic Products Act 2023 – a proposed reset for health product regulation
- Briefing: Final Cabinet paper for lodging, and talking points: Progressing the Government's commitment to repeal the Therapeutic Products Act (H2024035986)

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: [oiagr@health.govt.nz](mailto:oiagr@health.govt.nz).

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



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

## Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1	7 February 2024	Email correspondence: Draft Cabinet paper on progressing the repeal of the TPA & Cover briefing for Ministerial consultation	Some information withheld under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers and officials.
2	28 February 2024	Email correspondence: Final version of Cabinet Paper Progressing the repeal of the TPA	Released in full.

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**From:** Tim Vines  
**Sent:** Wednesday, 7 February 2024 4:07 pm  
**To:** Brian Watson [Parliament]  
**Cc:** Helen Robinson; Maree Roberts; DG Advisory; Chris James; John McGrath; Jane Hubbard  
**Subject:** Draft Cabinet paper on progressing the repeal of the TPA & Cover briefing\_For Ministerial consultation  
**Attachments:** H2024035378 Briefing - future directions for regulation of therapeutics.pdf; 07-02-2024 Cabinet paper - Progressing the repeal of the Therapeutic Products Act.docx; 07-02-2024 Cabinet paper - Progressing the repeal of the Therapeutic Products Act.pdf **(Withheld in full under section 9(2)(f)(iv) of the Act)**

Kia ora Brian

Please find attached a draft Cabinet paper on progressing the repeal of the Therapeutic Products Act, and a cover briefing to the paper. I've attached a Word and PDF version of the draft paper in case the Minister has a preference for one form.

S9(2)(f)(iv)

I understand the Office has already given verbal approval for the Ministry to commence agency consultation. We will start this at 10am tomorrow. If you have any concerns or changes to the paper, please let me know before then (although we can make changes at any time prior to lodging the paper later this month).

The cover briefing outlines the process for Ministerial consultation, and role of the Office in leading that process.

To meet the 100-day timeframe for considering this paper, we recommend that Ministers provide their feedback to you by COB 18 February, and for the Office to pass on this advice to us on Monday 19 February.

Please let me know if you have any questions or concerns.

Ngā mihi

Tim

**Dr Tim Vines (PhD) ([he/him](#))**

Manager, Therapeutics

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Ministry of Health | Manatū Hauora, 133 Molesworth Street Thorndon, Wellington 6011

*If this email reaches you out of hours, I don't expect a response outside of your office hours, it's just a convenient time for me to send an email.*

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**From:** Tim Vines  
**Sent:** Wednesday, 28 February 2024 4:35 pm  
**To:** Brian Watson [Parliament]  
**Cc:** John McGrath; Maree Roberts; Briefings; DG Advisory; Helen Robinson  
**Subject:** Final version of Cabinet Paper: Progressing the repeal of the TPA  
**Attachments:** 28-02-2024 - Cabinet paper (track changes) - Progressing the repeal of the Therapeutic Products Act - H2024035986.docx; 28-02-2024 - Cabinet paper - Progressing the repeal of the Therapeutic Products Act - H2024035986.docx; 28-02-2024 - Cover briefing and talking points - final cab paper for lodging (TPA repeal) - H2024035986.docx; 28-02-2024 - Cover briefing and talking points - final cab paper for lodging (TPA repeal) - H2024035986.pdf; 28-02-2024 - Cabinet paper - Progressing the repeal of the Therapeutic Products Act - H2024035986.pdf  
**(Withheld in full under section 9(2)(f)(iv) of the Act)**  
**Categories:** Orange category

Kia ora Brian

As advised earlier this afternoon, please find attached:

- The final Cabinet paper (ready for lodgement tomorrow morning) in Microsoft Word format and as a PDF
- A Word version of the Cabinet paper with track changes showing changes to the paper following departmental consultation
- A covering briefing with talking points for the Minister (attached as a Word document and PDF).
  - The covering briefing includes talking points for the Minister.

As discussed, we will upload the final Cabinet paper to CabNet tomorrow morning.

Ngā mihi

Tim

Tim Vines ([he/him](#))

Manager, Therapeutics

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