

Aide-Mémoire

Meeting with Carolyn Young, Chief Executive, Retail NZ

Date due to MO:	24 January 2024	Action required by:	N/A
Security level:	IN CONFIDENCE	Health Report number:	H2024034775
To:	Hon Casey Costello, Associate Minister of Health		
Consulted:	Health New Zealand: <input type="checkbox"/> Māori Health Authority: <input type="checkbox"/>		

Contact for telephone discussion

Name	Position	Telephone
Jane Chambers	Group Manager, Public Health Policy and Regulation, Public Health Agency – Te Pou Hauora Tūmatanui	s 9(2)(a)
Emily Revell	Acting Manager, Ope Ōpiki, Public Health Policy and Regulation, Public Health Agency – Te Pou Hauora Tūmatanui	s 9(2)(a)

Aide-Mémoire

Talking points for meeting with Carolyn Young, Chief Executive, Retail NZ

Date due: 24 January 2024

To: Hon Casey Costello, Associate Minister of Health

Security level: IN CONFIDENCE **Health Report number:** H2024034775

Details of meeting: Date: Thursday 25 January 2024
Time: 4:30pm
Venue: Parliament

Purpose of meeting/proposal: You have accepted an offer from Carolyn Young, Chief Executive of Retail NZ, to meet with you to discuss the repeal of the 2022 amendment to the Smokefree Environments and Regulated Products Act 1990, as well as vaping product regulations.

Comment: **Further points**

- Please see appendix 1 for advice officials gave to you in response to a previous email from Carolyn Young.
- This aide-mémoire discloses all relevant information.
- Jane Chambers, Group Manager Public Health Policy and Regulation, is available to attend this meeting.



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

Meeting with Carolyn Young, Chief Executive, Retail NZ

Background and context

- Retail NZ is a membership advocacy organisation that represents the domestic retail sector.
- Carolyn Young, Chief Executive of Retail NZ, wrote to you on 28 November 2023 requesting applications and processing of the smoked tobacco retail scheme be suspended prior to the closing date of 3 December 2023.
- On Friday 1 December 2023, the Ministry of Health suspended the scheme while awaiting Cabinet decisions.
- The Government's coalition agreement and the 100-day plan include repealing provisions of the Smokefree Environments and Regulated Products Act 1990 that require a smoked tobacco retail scheme.
- Cabinet has formally agreed to repeal these provisions. No public announcements were made post-Cabinet.
- Ms Young wrote to you again on 7 December 2023 with further requests and offered to meet with you.
- Ms Young specifically requested that you:
 - direct repayment of application fees
 - suspend the requirement for vape retailers to submit an annual sales return by 31 January, pending the repeal of or amendments to this provision.
- More broadly, Ms Young expressed an interest in discussing wider reform of vaping, smokeless tobacco and oral nicotine product regulation.
- The letter states that Retail NZ members have raised with her team "several matters in relation to product specifications and reporting requirements..."
- It is likely this relates to the recently introduced product safety requirements for vaping products, including requirements for removeable batteries, child safety mechanisms, proximity restrictions to schools and marae for specialist retailers, and restrictions on flavour names for vape liquids.
- The Prime Minister announced on 11 December 2023 that these product safety requirements will remain in place.

Further information

- The current Chief Executive is relatively new, having started in the role in July 2023. Submissions received from Retail NZ during public consultation on the 2022 Amendment Bill and the 2023 amendment to the Regulations were done during the tenure of the previous Chief Executive, meaning the key concerns may differ from our existing understanding of the organisation's position.
- Submissions from the previous Chief Executive were primarily concerned with the frequency of change in regulations, and transitional/implementation timeframes for new regulations.

- Retail NZ commonly express concerns about the implementation timeframes for retailers being too short.
- Retail NZ also raised concerns (in relation to the smoked tobacco retail scheme) about the impacts of approval to sell smoked tobacco on their alcohol licence. Changes to the proportion of a store's sales may impact their classification and approval to trade under the Sale and Supply of Alcohol Act 2012.

Next steps

- Ms Young offered to support consultation with the retail sector on further vaping regulations. This could be a useful opportunity for the Ministry of Health to leverage in broader consultation on regulatory proposals.


Topics for discussion

- repayment of application fees
- suspension of annual sales returns for vape retailers
- wider reform of vaping regulation.

PROACTIVELY RELEASED

Talking Points

s 9(2)(g)(i)



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