

Health report

To: Hon Tariana Turia

cc: Hon Tony Ryall

Cabinet Paper – Plain packaging of tobacco products

1. In April this year Cabinet agreed in principle to introduce a plain packaging regime in alignment with Australia, subject to the outcome of a public consultation process. You were invited to report back to Social Policy Committee by 30 June 2012 to seek approval for release of a consultation document. [SOC Min (12) 5/4 refers].
2. Attached is a Cabinet paper for you to take to Cabinet Business Committee on 2 July to obtain agreement to release the consultation document and begin the consultation process. The consultation will also include the Regulatory Impact Statement considered by Cabinet in April 2012.
3. The proposed consultation document incorporates the views of other departments, particularly the Ministry of Foreign Affairs and Trade (with respect to World Trade Organisation consultation obligations) and the Treasury (with respect to Regulatory Impact Analysis requirements). The substance of the document is agreed. There is still potentially some scope to improve the precise wording and layout to meet these needs, alongside the basic requirements of an effective domestic policy consultation. Accordingly, it has been recommended in the paper that you be given authority to make editorial changes to the text and layout of the consultation document before it is released. The proposed release date is 23 July, assuming final Cabinet conformation on 16 July.
4. The Cabinet paper also reports back with updates on two specific matters. The first relates progress in Australia's defence of plan packaging on a number of legal fronts. The second issue relates to the research undertaken in the United Kingdom, which is also consulting on plain packaging. This research has been released since the New Zealand Cabinet made its 'in principle' decision in April and confirms the strength of the evidence in support of plain packaging of tobacco.
5. A consultation period of 75 days has been agreed following consultation with the Ministry of Foreign Affairs and Trade and the need to widen the consultation process beyond domestic consultation to include also our trade partners. The proposed opening of the consultation period on 23 July coincides with the date on which the Smoke-free Environments (Controls and Enforcement) Amendment Act 2011 will come fully into force to ban retail displays.
6. The release of the consultation documents is expected to attract considerable interest both in New Zealand and internationally. The Ministry will therefore work with your office to ensure that the launch is well planned and supported by media statements, question and answer sheets and materials for trade partners. As you will be aware, there have also been a number of requests under the Official Information Act for information about the process and it is our intention that a package of background documents will also be released to the requesters on that date.
7. The consultation process and subsequent analysis is expected to be completed by November 2012 in time for you to report back to Cabinet by the 30 November deadline. It would therefore be possible for Cabinet to approve the drafting of legislation with a view to it being introduced early in 2013 and coming into force in 2014. This timeframe would avoid any difficulties under the Trans Tasman Mutual Recognition Arrangement.

The Ministry recommends that you:

- a) **Sign** the attached CAB100 form and the Cabinet Paper seeking approval for the consultation document *Proposal to introduce plain packaging of tobacco products in New Zealand* Yes / No
- b) **Submit** the Cabinet Paper and attachments to the Cabinet Office by 10.00am on Thursday 28 June 2012. Yes / No

Ashley Bloomfield (Dr)
Acting Deputy Director-General
Sector Capability and Implementation

Minister's Signature:

Date:

Ministry of Health Contacts:

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Minister's feedback on quality of report

Very poor (1)	Poor (2)	Neutral (3)	Good (4)	Very Good (5)
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