



# Cabinet Social Policy Committee

SOC-15-MIN-0041

Version 1.0

## Minute of Decision

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### Standardised Tobacco Product Packaging: Update and Next Steps

**Portfolios**                      **Trade / Associate Health**

On 11 November 2015, the Cabinet Social Policy Committee:

#### Background

- 1        **noted** that in February 2013, Cabinet agreed to introduce a plain packaging regime for tobacco products and packaging in New Zealand which is in alignment with Australia [CAB Min (13) 4/16];
- 2        **noted** that in December 2013, the Cabinet Legislation Committee:
  - 2.1      approved the introduction of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill (the Bill);
  - 2.2      noted that decisions on when to enact the legislation or when the regulations should come into force will need to take into account the progress of legal proceedings at the World Trade Organisation (WTO);

[LEG Min (13) 28/7]

#### International developments

- 3        **noted** that New Zealand is participating as a third party in WTO proceedings over Australia's tobacco plain packaging regime, and has had access to legal arguments and evidence submitted by the complainants and Australia;
- 4        **noted** that officials consider that:

s.9(2)(h)

- 4.4      if the WTO disputes are appealed, the WTO Appellate Body's decision may not be issued before mid-2017;

5 **noted** that the United Kingdom and Ireland have both passed detailed legislation to bring standardised packaging into force with effect from 20 May 2016;

### Implications for legislation and implementation

6 **noted** that the Bill:

6.1 holds a category 3 priority on the 2015 Legislation Programme (to be passed if possible in 2015);

6.2 has a commencement clause that brings it into force by default after 18 months;

6.3 requires detailed regulations to be made to bring implementation into effect;

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s.9(2)(h)

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s.9(2)(h)

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s.9(2)(h)

### Proposal to issue 'exposure draft' of regulations

10 **invited** the Associate Minister of Health to issue drafting instructions to the Parliamentary Counsel Office to prepare an 'exposure draft' of standardised packaging regulations to reflect the requirements of the Bill, the policy in the section 'content of regulations' in the paper, and Appendix B attached to the paper under the submission SOC-15-SUB-0041, including any necessary forms, reports, returns or notices;

11 **directed** the Ministry of Health to undertake a consultation process during the first half of 2016 on the exposure draft of the regulations, in conjunction with the Ministry of Foreign Affairs and Trade, and report to the Social Policy Committee on the results of the consultation and next steps;

### Review of tobacco control programme

12 **noted** that a review of the tobacco control programme is being undertaken by the Ministry of Health;

13 **invited** the Associate Minister of Health to report to the Social Policy Committee on the outcome of the above review, by 1 April 2016;

### Release of Cabinet paper

14 **agreed** that paper attached to the submission under SOC-15-SUB-0041 and the subsequent minute be proactively released in due course, subject to any material being withheld as necessary as if a request for release had been made under the Official Information Act 1982.