

New Zealand

Overall score:

33

Summary of Findings

1. Industry participation in policy development

There is no evidence of tobacco industry involvement in government groups and agencies directly setting public health policy, although there have been instances of tobacco industry representatives and tobacco industry-affiliated organizations participating in parliamentary consultations and advisory groups.

2. Industry CSR activities

Instances of tobacco industry CSR activities were identified in the reporting period, including tobacco industry promotion of a discounted heated tobacco product (HTP) to indigenous and poverty advocate groups at "community activations." The tobacco industry also lobbied health officials to conduct "community trials" of HTPs and to include HTPs in New Zealand's smoking cessation services.

3. Benefits to the industry

There is no evidence of preferential exemptions being granted to the tobacco industry by the government, but tax policy relating specifically to the tobacco industry is unclear. New Zealand does not appear to specifically exclude tobacco from treaties, with the exception of investor-state dispute processes in the Trans-Pacific Partnership agreement (CPTPP). There was no indication that the government accommodated requests from the tobacco industry for a longer timeframe for implementation or postponement of tobacco control laws in the reporting period.

4. Unnecessary interaction

No incidences were identified of government officials meeting with or fostering relations with the tobacco industry, or any evidence of the

government entering into agreements or accepting assistance from the tobacco industry.

5. Transparency

Details of meetings held between the Ministry of Health (MoH) and the tobacco industry are notified to the public on the MoH website (the last reported meeting was in 2017). Interactions between the tobacco industry and other government departments are not publicly available. There is no existing requirement for the tobacco industry, affiliated entities or organizations acting on its behalf, including lobbyists, to register with the government.

6. Conflict of interest

There are general rules regulating political contributions and the disclosure of such contributions, but no legislation specifically prohibiting the tobacco industry from donating to political parties, candidates or campaigns. During the reporting period, no former or current government officials or relatives were known to form part of the tobacco industry, although a former executive from the tobacco industry currently works as an opposition MP.

7. Preventive measures

The New Zealand government has general conflict of interest guidelines for Members of Parliament (MPs) and public officials; however, no comprehensive set of rules exists for regulating their interaction with the tobacco industry.

Industry revenues are required to be public by New Zealand company law. The government requires annual tobacco returns to be filed by tobacco manufacturers and importers, but in general the government does not ensure that the public has access, in accordance with WHO Framework Convention on Tobacco Control (FCTC) Article 12(c), to a wide range of information on tobacco industry activities.



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Recommendations

1. Implement a government program to maintain awareness and compliance of Article 5.3 consistently across all government departments and agencies. Ensure robust monitoring and public reporting.
2. **Increase transparency:**
 - Collect and publicly report tobacco industry data on profits, taxes, spending on marketing, philanthropy, research and CSR in a single public repository.
 - Any communications between the tobacco industry and all government departments and agencies (not just the Ministry of Health) such as letters and emails should be actively published, along with transcripts of meetings.
 - Implement rules mandating that the government does not provide financial aid in any way to the tobacco industry.
3. Exclude tobacco from treaties.
4. Ban tobacco industry CSR activities in New Zealand.
5. **Restrict lobbying:** Create a government transparency lobbying register and make it a legal requirement for all tobacco industry and affiliated organisations and individuals to register before any lobbying.
6. **Conflict of interest policies:**
 - Update the code of conduct for all public officials, prescribing standards for how they should deal with the tobacco industry.
 - Prohibit public officials from holding positions in the tobacco industry either during or after their public employment.
 - Prohibit the tobacco industry from making all forms of contributions to political parties or government officials.