

New Zealand

30

Summary of Findings

1. Industry participation in policy development

No instances of the New Zealand (NZ) government accepting offers of assistance from the tobacco industry, endorsing its policies or of industry representatives attending policy meetings was identified. However, there were many instances of industry representatives and their affiliates participating in public regulatory consultations and undermining proposed tobacco control laws.

2. Industry CSR activities

The NZ government did not endorse, support or form partnerships with tobacco industry corporate social responsibility (CSR) activities. But the Ministry of Social Development partnered with high-profile NZ Fashion Week (NZFW) to promote the role businesses play in addressing social issues, and at this event a tobacco company attempted to position itself alongside this goal by sponsoring designers and promoting their “alternative” heated tobacco products.

3. Benefits to the industry

A preferential exemption was granted to the tobacco industry by the government during the national COVID-19 State of Emergency. An Imperial Tobacco factory was designated as an “essential business” and was permitted to continue its operations throughout the COVID-19 national lockdown.

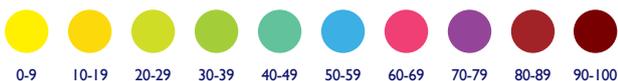
4. Unnecessary interaction

There was no evidence that top-level NZ officials attended tobacco industry social functions or that the government accepted assistance from the industry for their tobacco-control activities. However, there were two identified cases of engagement of a tobacco industry-affiliated organization with regional health authorities (District Health Boards) for a smoking cessation event and smoke-free strategy development. The NZ government has not signed up to the Framework Convention on Tobacco Control (FCTC) Protocol to Eliminate Illicit Trade in Tobacco Products.

5. Transparency

The Ministry of Health Manatū Hauora (MoH) and NZ Customs Service Te Mana Ārai O Aotearoa record meetings with the tobacco industry. No details on meetings with other government departments (if they occur) are reported.

The NZ government does not regulate lobbyists. It can therefore be a challenge to expose tobacco industry links to, and funding of, allied groups. Over seven years, an industry “PR” lobbyist and former British American Tobacco employee systematically and anonymously attacked and defamed public health experts who proposed policy opposed by his tobacco, sugar and alcohol clients. Furthermore, prominent lobby groups regularly participated in legislative hearings and appeared in the national news media vigorously opposing tobacco control laws without disclosing their tobacco industry support.



6. Conflict of interest

There is no legislation specifically prohibiting the tobacco industry from donating to political parties, candidates, or campaigns and lobbyists, although contributors and donations over a certain amount must be declared. No retired or current government officials were identified as holding positions in the tobacco business, however a current Member of Parliament (MP) used to work for the tobacco industry.

7. Preventive measures

The Ministry of Health and NZ Customs Service makes public meetings with the tobacco industry available on their websites, but minutes and/or outcomes are not published. No comprehensive set of rules exists for public officials on regulating their interactions with the industry. Interaction between public officials, MPs and the tobacco industry is governed by general conflict of interest guidelines only. There is also no specific policy to disallow contributions from the tobacco industry, although such interactions are governed by broader anti-corruption regulation.

The Ministry of Health makes available on its website annual tobacco returns filed by tobacco manufacturers and importers as industry revenues are required to be public by NZ company law. However, in general the NZ government does not ensure that the public has access to a wide range of information on tobacco industry activities. The government does not require information from the industry regarding marketing expenditures and any other activity, including lobbying, philanthropy, political contributions and all other activities. Nor does the government have a comprehensive or systematic strategy for raising awareness within government departments on policies relating to FCTC Article 5.3.

“

During the COVID-19 national lockdown, preferential treatment was granted to the tobacco industry where an Imperial Tobacco factory was designated as an “essential business” and permitted to continue its operations. ”

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, for each tobacco corporate entity with any operations in New Zealand, on revenue, profits, taxes, spending on marketing, philanthropy, research and CSR in a single public repository, such as on the Ministry of Health website.
 - Any communications between the tobacco industry and all government departments and agencies (not just the Ministry of Health) should be published and made publicly available on the websites of each government department or agency involved in such communications.
 - Implement rules mandating that the government does not provide financial aid in any way to the tobacco industry.
3. Require that no international treaty applies to tobacco, either through specific references or in accordance with general provisions, and that the treaty explicitly states that tobacco is out of scope of that treaty.
4. Exclude the tobacco industry and its representatives from being consulted on or having any input into international treaties.
5. Require that no government agency or government-funded agency, either at the national or local level, participate in any activity that constitutes or could be reasonably assumed to be a CSR activity for the tobacco industry or its associate.
6. Restrict lobbying: Create a government transparency lobbying register and make it a legal requirement for all tobacco industry and affiliated organizations and individuals to register before any lobbying.
7. Conflict of interest policies:
 - Update the code of conduct, including the Standards of Integrity and Conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57, for all public officials prescribing standards for how they should deal with the tobacco industry. Government agencies should ensure that all state employees understand obligations set out in the code of conduct in beginning employment within the public service.
 - Prohibit public officials from holding positions in the tobacco industry either during or after their public employment.
 - Prohibit political parties, public employees and organizations/institutions from accepting all forms of contributions (monetary, other resources or "in kind") from the tobacco industry.