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30 January 2024

Tessa

By email: fyi-request-25019-b26a32ca@requests.fyi.org.nz
Ref: H2023033392

Tēnā koe Tessa

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health - Manatū Hauora (the Ministry) on 4 December 2023 for information regarding Smokefree legislation. Please find a response to each part of your request below.

Please advise between the 29th of November and the 4th of December 2023 inclusive:
1. the date and time (s) the Ministry of Health sent advice to the Minister of Health's Office pertaining to Smokefree, the Smokefree Environments and Regulated Products Act 1990, Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022, the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 and/or the Smokefree Environments and Regulated Products Amendment Regulations 2023

I refer you to the table below, which provides you with the date, time, and type of advice sent to the Minister of Health's office regarding Smokefree legislation within the time period of your request.

Date	Time	Type of advice
29 November 2023	11:07am	Information request
1 December 2023	10:14am	Minister of Health Weekly Report Item

2. Any advice pertaining to the above provided to the Minister within the above timeframe, including in the form of emails, memos, briefings, text communications, and recollections of phone calls. Please include the relevant excerpt from the Briefing to the Incoming Minister.

Information within scope of this part of your request is withheld in full under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers and officials. The advice provided to the Government currently remains under active consideration and releasing this information would prejudice the orderly and effective conduct of decision-making processes. I have considered the countervailing public interest in releasing this information and consider that it does not outweigh the need to withhold at this time.

There is no information relating to Smokefree in the Briefing to the Incoming Minister (BIM), therefore that part of your request is refused under section 18(e) as the information does not exist.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Jane Chambers
Acting Deputy Director-General
Public Health Agency | Te Pou Hauora Tūmatanui