
New Zealand Aotearoa

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

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Author:

Cancer Society of New Zealand (National Office)

Background Information:

This report attempts to identify instances of tobacco industry interference (TII) in Aotearoa/New Zealand between April 2021 and March 2023. By its nature, this is very difficult to identify and document.

The Tobacco Industry Interference Index (TIII) was initiated by Southeast Asia Tobacco Control Alliance (SEATCA) as a regional report. It is now part of an international publication of the Global Tobacco Index by the Global Center for Good Governance in Tobacco Control (GGTC) with support from the Bloomberg Philanthropies.

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Disclaimer: This Index is based solely on publicly available information obtained by researchers in Aotearoa New Zealand (NZ). If you have information that can strengthen this report, contact us at: info@ggtc.world. For more information visit: www.exposetobacco.org and www.globaltobaccoindex.org

Key acronyms

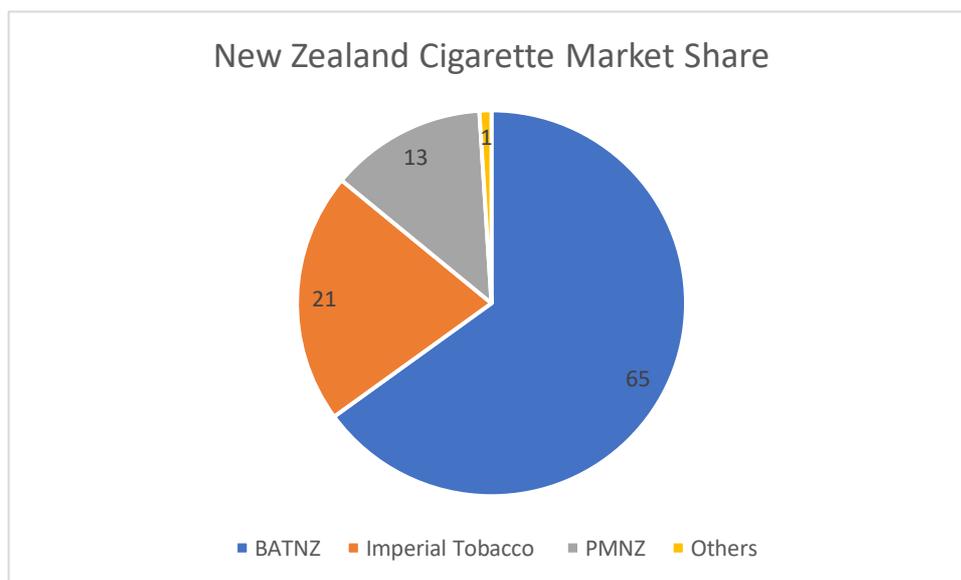
BATNZ British American Tobacco New Zealand
COP
CSR Corporate Social Responsibility
FCTC Framework Convention on Tobacco Control
ITNZ Imperial Tobacco New Zealand
MBIE Ministry of Business, Innovation and Employment
MoH Ministry of Health Manatū Hauora
MP Member of Parliament
NZ Aotearoa New Zealand
PMINZ Philip Morris International New Zealand
TI Tobacco Industry
WHO World Health Organisation

Introduction

New Zealand (NZ) is a party to the WHO Framework Convention on Tobacco Control (FCTC), a global treaty that sets out strategies for governments to combat the tobacco epidemic. A key measure of this treaty, Article 5.3, requires parties to protect public health policies from the vested interests of the TI. This report covers the period April 2021 to March 2023.

Three main transnational tobacco companies dominate the tobacco market in NZ:

- British American Tobacco NZ (65%)
- Imperial Tobacco NZ (21%)
- Philip Morris International NZ (13%).¹



Between April 2021 and March 2023, tobacco company allies² (Annex A) actively tried to influence policy, primarily by commenting on proposed tobacco control regulations as part of the parliamentary process. This was either an approach Members of Parliament (MPs) and/or through national media. Despite this pressure, the NZ Government was more successful at preventing tobacco industry interference since the last report in 2021. Compared to 2021, there were no identified instances of tobacco industry CSR activities, also noting the Covid-19 lockdown exemption to Imperial Tobacco no longer applies. Furthermore, NZ made significant progress in tobacco control having launched the Smokefree Aotearoa 2025 Action Plan. This was despite significant pressure from the TI and pro-vaping groups to thwart the Plan and subsequent amendments to the Smokefree Environments and Regulated Products Act 1990.

However, comprehensive rules are still not in place to regulate interactions between the TI, MPs and public officials. The work of lobbyists is unregulated, although recent media attention prompted Prime Minister (PM) Chris Hipkins to require lobbyists to now enter via security when visiting parliament.

Nor does the NZ Government ensure that the public has access to information on TI activities, such as revenue, profits, taxes and political contributions. Currently, only two Government agencies publicly report meetings and correspondence with the TI.

¹ Tobacco Returns, Ministry of Health 2018

² Throughout this report, the term “tobacco industry” includes those representing its interests or working to further its interests. ‘Allies’ and ‘affiliates’ refers to individuals and organisations with financial ties to tobacco companies.

This report outlines tobacco industry interference in public policy making in NZ for April 2021-March 2023, how the government responded and recommendations to strengthen protection.

Methodology:

The report is based on a questionnaire developed by SEATCA the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain³. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not applicable. The report includes information on incidents from April 2021 to March 2023, but also includes prior incidents that are still relevant.

³ Search string: "inurl:[govt.nz](https://www.govt.nz) "Indigenous Sovereignty & Smoking" OR "Imperial Nominees" OR "Imperial Tobacco" OR "British American tobacco" OR "Philip Morris " OR "Taxpayers' Union" after:2022-01-01"

Summary Findings

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

No instances were identified of the NZ Government accepting offers of assistance from the TI, endorsing their policies, or of industry representatives attending policy meetings.

However, there were many instances of industry representatives or their affiliates participating in public consultation on tobacco regulation and lobbying against proposed tobacco control laws.

2 INDUSTRY CORPORATE SOCIAL RESPONSIBILITY ACTIVITIES

The NZ Government did not endorse, support or form partnerships with TI CSR activities.

3 BENEFITS TO THE INDUSTRY

The NZ Government implements the law despite requests from the TI to meet and discuss their concerns or be given an extension to agreed timeframes.

4 UNNECESSARY INTERACTION

There was no evidence that top-level NZ officials attended TI social functions or that the Government accepted assistance from the industry for their tobacco-control activities.

The NZ government has not signed up to the FCTC Protocol to Eliminate Illicit Trade in Tobacco Products.

5 TRANSPARENCY

The MOH and NZ Customs Service Te Mana Ārai O Aotearoa (NZCS) record meetings with the representatives from the TI.

Meetings with other government departments (if they occurred) are not reported or detailed.

The NZ Government does not regulate the work of political lobbyists so it can be challenging to expose TI links to, and funding of, allied groups. Recent investigations into the unregulated role lobbyists have in NZ policy making have led to PM Chris Hipkins introducing measures to address these perceived freedoms.

6 CONFLICT OF INTEREST

There is no legislation specifically prohibiting the TI from donating to political parties, candidates, campaigns and/or 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, although a current MP used to work for the TI.

7 PREVENTIVE MEASURES

The MOH and NZCS make public meetings with the TI on their websites, although minutes and/or outcomes are not published.

Interaction between public officials, MPs and the TI is governed by general conflict of interest guidelines only. No comprehensive set of rules exists for public officials on guiding their interaction with the TI. Nor is there a specific policy that prohibits contributions from the tobacco industry, although such interactions are governed by broader anti-corruption regulation.

The MOH publishes on its website annual tobacco returns filed by tobacco manufacturers and importers as industry revenues are required to be publicly declared by NZ company law. In general, the NZ government does not ensure that the public has access to a wide range of information on TI activities. The Government does not require information from the industry regarding expenditure on marketing, lobbying, philanthropy, political contributions or 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

Recommendations

The following recommendations remain largely unchanged from previous reports, as little progress has been made in these areas.

1. Implement a whole-of-government programme to increase awareness of, and compliance with Article 5.3 consistently across all government departments and agencies. Ensure it is accompanied by robust monitoring and public reporting.
2. Increase transparency:
 - Collect and publicly report tobacco industry data on revenue, profits, taxes, marketing expenditure, philanthropy, research and CSR in a single public repository (EG MOH website) for each tobacco corporate entity with any operations in New Zealand, publish all communications between the TI and any Government departments and agencies, making it publicly available on the website of the respective department or agency.
 - Mandate that the Government does not provide financial aid in any way to the TI.
 - Exclude the TI and its representatives from consultation on or input into international treaties.
3. Require that no government department and/or government funded agency participate locally or nationally in any activity that constitutes or could be reasonably assumed to be a CSR activity for the TI or its associates.
4. Create a government-wide register of lobbyists with a legal requirement for all tobacco companies, affiliated organisations and individuals to register before undertaking any lobbying.
5. Conflict of interest policies:
 - Update code of conduct for all public officials prescribing standards for how they should deal with the TI This includes the Standards of Integrity and Conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57. Government departments should ensure that all state employees understand the obligations set out in the code of conduct on commencing employment within the public service.
 - Prohibit public officials from holding positions in the TI either during or after their public employment.
 - Prohibit political parties, public employees, and organisations/institutions from accepting all forms of contributions (monetary, other resources or 'in kind') from the TI.

New Zealand

Tobacco Industry Interference Index 2023

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
I. The government ⁴ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ⁵ in setting or implementing public health policies in relation to tobacco control ⁶ (Rec 3.4)	0					
<p>The New Zealand government does not accept or endorse an offer for assistance from the TI. While there is no evidence of TI involvement in Government departments and agencies directly setting public health policy, TI representatives and TI-affiliated organisations did participate in the parliamentary processes. In NZ, almost all Bills (proposed laws) are referred to the relevant Select Committee, which invites and hears public submissions. This legislative process is used by the TI to try and influence policy. Examples are presented here to illustrate the pressure the Government and MOH were placed under when attempting to pass tobacco control laws and policies.</p> <p>The Smokefree Aotearoa 2025 Action Plan In 2021, the MOH developed the Smokefree Aotearoa 2025 Action Plan and held consultation between 15 April – 31 May 2021. The MOH applied WHO FCTC Article 5.3 and requested all submitters to the consultation to disclose any direct or indirect links to, or receipt of funding from, the TI. The Ministry reported over 5,200 people and organisations engaged in the consultation process, either through a written submission, or by attending hui (399) or Pacific-focused community meetings (788) organised by Hāpai te Hauora. (1)</p> <p>Following the announcement of the draft proposals for a Smokefree Aotearoa 2025 Action Plan, dairy owners sent thousands of postcards to parliamentarians protesting against restrictions on selling cigarettes. (2) This activity was sponsored by BATNZ.</p> <p>The Ministry reported receiving 2,254 written submissions of which 1,722 disclosed a TI link, via Citizen Space. Of these, 8 submissions were from tobacco importers.</p> <p>According to the MOH, 1,589 submissions were completed using two templates organised anonymously for small retailers. “Those with a commercial interest in smoked tobacco (ie, tobacco importers and retailers) were mostly against the proposals. Many tobacco retailers felt the proposals would adversely impact their business.” (1)</p> <p>The Cancer Society New Zealand’s submission was acknowledged for its research finding in Auckland, Wellington and Christchurch where a disproportionately high number of tobacco retailers was found in low-income areas, compared to high-income areas.</p>						

⁴ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

⁵ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁶ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill

In December 2021, the Cabinet approved the Smokefree Aotearoa 2025 Action Plan and agreed to amend the Smokefree Environments and Regulated Products Act 1990 to achieve Smokefree Aotearoa by 2025. (3)

In December 2022, the Parliament passed the amended Act (4) which came into force on 1 January 2023. The law:

- Includes a ban on the sale of combustible tobacco products to anyone born on or after January 1, 2009,
- drastically reduces the number of retailers and
- reduces nicotine content in cigarettes to below-addictive levels.

The law aims to make these products less addictive and appealing. The MOH then consulted (1 January – 15 March 2023) on how to implement the law changes, which also included proposals to tighten current restrictions on vaping product safety requirements and packaging and to consider restrictions on the location of Specialist Vape Retailers. (5)

On 25 Nov 2022 Bell Gully, lawyers for BATNZ wrote to the Director-General of Health on Vaping Regulatory Authority action against nicotine salt content in vaping products, claiming “there is a material difference between the interpretative guidance recently issued by the VRA and the way many market **participants** have interpreted the Nicotine Salt Regulation since the draft regulation was first proposed for public consultation in January 2021.” (6) “If the VRA’s recent interpretative guidance is enforced, it will have a significant impact on New Zealand’s vaping market ... Despite several requests, the VRA has refused to meet with sector representatives to discuss its recent interpretation of the Nicotine Salt Regulation ...” The letter goes on to issue a thinly veiled legal threat, as follows (7) “We are instructed to advise the Director-General that we will appear on behalf of BATNZ in the event judicial review or declaratory judgment proceedings become appropriate or necessary.”

In April 2023, The New Zealand Association of Convenience Stores, of which Imperial Tobacco and BATNZ are members, emailed a number of opposition MPs outlining their ‘concerns’ with how the Smokefree 2025 measures are being implemented, and urging them to replace the Bill should they form the new Government post-election. (8)

2. The government accepts, supports or endorses <u>policies or legislation drafted by or in collaboration with the tobacco industry.</u> (Rec 3.4)	0					
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No such incidents have been identified for the April 2021- March 2023 period.

3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8) I Never 5 Yes		1				
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No such incidents have been identified for the April 2021- March 2023 period.

4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ⁷ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of ‘0’		1				
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⁷ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

	0	1	2	3	4	5
The New Zealand government does not allow TI representatives in the delegation to the COP and its related meetings. No such incidents have been identified for the April 2021- March 2023 period.						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as “socially responsible” or “sustainable”. For example, environmental programs. (Rec 6.2)						
B. The government (its agencies and officials) receives CSR contributions ⁸ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)	0					
<i>NOTE: exclude enforcement activities as this is covered in another question</i>						
5.A._TI CSR activities are not banned in NZ. However none were identified in this reporting period.						
5.B None were identified in this reporting period						
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	0					
The government implements the law despite requests from the TI to meet and discuss their views or to be given an extension.						
The VRA launched a review of 8,083 vaping products and wrote to companies instructing them to provide safety details about their substances. (9) Vapes can legally contain a maximum of 20mg/mL freebase nicotine or 50mg/mL nicotine salts. There are cases where the latter has been interpreted as 50 milligrams of nicotine. According to the MOH, “some retailers, manufacturers or importers may have misinterpreted the regulations limiting nicotine salt levels and provided misleading information when notifying their products with the Authority.” Should they fail to meet these legal requirements, a notice of suspension could be issued.						
According to a media report, VRA has refused all requests from BATNZ to meet to discuss what it asserted was “a reinterpretation of the regulations” and asked for an extension to review “large volume of technical information”. (7) The VRA applied Article 5.3 and responded to the letters on December 6 saying at this stage, it “does not consider a meeting on the matters raised to be strictly necessary for effective regulation.” (10)						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)			2			
During the national COVID-19 ‘lockdown’ in 2020 the Imperial Tobacco factory in Petone, Lower Hutt received permission from the MBIE to remain open, despite almost all other non-essential						

⁸ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	4	5
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New Zealand businesses being required to close. (11) Since then, the factory has permanently closed down.

In general, the rules mandating that the Government does not provide preferential tax exemption to the TI are unclear.

- a. Tobacco is excluded from investor-state dispute processes in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) since 2018. (12) Aside from this omission, NZ does not otherwise appear to specifically exclude tobacco control from treaties. Companies manufacturing tobacco are excluded from the NZ Superannuation fund investment portfolio. (13)
- b. Duty-free allowance for tobacco brought from outside NZ for personal use amounts to 50 cigarette sticks or 50 grams of cigars or tobacco products or 50 grams of a mixture of all three. (14)
- c. In July 2022, PMINZ began selling Philippines-made cigarettes in brown paper, seemingly representing tobacco leaf. They import these into New Zealand as ‘cigarillos’. Through a historic anomaly, there is a lower excise duty – at least \$5.24 less for a pack of 20 – enabling the company to sell them for 10 percent less than the next cheapest cigarette brand and pocket the difference. While the Associate Health Minister “expressed concern” at the time, as of May 2023, the ‘cigarillos’ are still available to buy at the cheaper price in NZ (15).

INDICATOR 4: Forms of Unnecessary Interaction

8. Top level government officials (such as President/ Prime Minister or Minister ⁹) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)	0					
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None identified for the reporting period.

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)	0					
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None identified for the reporting period.

The NZ government has not signed up to the FCTC Protocol to Eliminate Illicit Trade in Tobacco Products. (15)

10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
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None identified for the reporting period.

⁹ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)		1				
<p>The MoH and NZCS record meetings with TI. No details on TI interactions with other government departments (if they occur) are reported.</p> <p>The MoH publicly advises of meetings with TI on their website. The last recorded meeting was on 7 March 2023 with 22nd Century who sought a meeting to present a paper on reduced nicotine content tobacco products. (16)</p> <p>Meetings between NZCS and TI are publicly available online. Customs meets with TI “on an as necessary basis to discuss illicit trade in tobacco and, when appropriate, any changes to Customs’ legislation that affect importers and manufacturers”.</p> <p>Customs officials had eight meetings between April 2021 and March 2023 with Imperial Tobacco and/or BATNZ with the stated purpose being to discuss illicit trade in tobacco and operational matters related to importing tobacco products. NZCS also note that “operational staff have regular contact with importers and manufacturers of tobacco products in respect of ensuring compliance with importing and excise obligations”. (17)</p>						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
<p>The NZ Government does not regulate lobbyists. There is no existing requirement for TI and affiliated entities to register with the NZ Government and it is unclear how the relationship between the TI and Government is moderated.</p> <p>Recently, the role of lobbyists and lack of transparency in NZ has been in the spotlight. Radio NZ (RNZ) reports (18) that “Unlike most developed countries, lobbying is unregulated in New Zealand. There is no public lobbying register and no obligation for lobbying firms to disclose their clients, meaning the companies they work for are largely kept secret from the public.”</p> <p>While the TI is not named in any of these reports, as RNZ says: “New Zealand has among the weakest regimes in the developed world for regulating lobbying and the industry largely operates in the shadows, with little information about the client lists of many of the major firms.”</p> <p>Following this media attention, in April 2023 PM Chris Hipkins announced measures to address the perceived freedoms lobbyists have in NZ, including removing swipe card access to Parliament for business, non-government sector and union representatives. (19)</p>						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes						5

	0	1	2	3	4	5
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There are general rules regulating political contributions, and the disclosure of such contributions. Donations over \$NZ15,000 to national political parties must be declared, along with every contributor who donated over \$15,000 during the year and every anonymous donation over \$1,500. Donations over \$NZ50 from an overseas person are not accepted from Jan 2020. (20) However, there is no legislation specifically prohibiting the TI from donating to political parties, candidates, or campaigns.

Registered political parties must also report:

- all payments from the Electoral Commission of donations protected from disclosure
- the number of anonymous party donations under \$1,500 and the total amount of these donations
- the number of all party donations over \$1,500 but less than \$5,000 and the total amount of these donations
- the number of all party donations over \$5,000 but less than \$15,000 and the total amount of these donations.

Tobacco is listed in the Government Superannuation Fund Responsible Investment Exclusion List - July 2022. (21)

14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
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No such incidents have been identified for the reporting period.

RNZ (18) recently reported that, based on a 2020 OECD report, NZ was one of nine countries to have no law restricting movement between top government jobs and the lobbying industry. In October 2022 it was reported that three months after leaving cabinet, former Minister Kris Faafoi became the head of a new lobbying company. (22)

15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
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MP Chris Bishop used to work for PMINZ as a Corporate Affairs Manager (2011-2014), where he “actively worked against the National Government’s plans to increase excise on tobacco and plain packaging” (23). He was elected in 2014 and represents the National Party (currently in opposition)

In addition, Apirana Dawson, former Director of Operations and Research for the NZ First Party, reportedly works for PMINZ as their Director External Affairs & Communications (as of May 2023). (24)

INDICATOR 7: Preventive Measures

16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)		1				
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As noted, the MOH and NZCS records and makes public meetings with the TI on their websites. The meetings and purpose are recorded but no other information are disclosed.

No other Government agencies appear to publicly disclose this information.

	0	1	2	3	4	5
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i>			2			
The NZ Government has general conflict of interest guidelines for MPs (and public officials), which include disclosure of certain assets and interests and pecuniary or non-pecuniary interest. (25) There is no comprehensive set of rules for public officials on regulating their interaction with the TI.						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)			2			
The MOH publishes on its website annual tobacco returns filed by tobacco manufacturers and importers. (26) 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 relevant to the objectives of the Convention, such as in a public repository (FCTC Article 12(c). The government does not require information from the TI regarding 'marketing expenditures and any other activity, including lobbying, philanthropy, political contributions and all other activities'.						
19. The government has a program / system/ plan to consistently ¹⁰ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)					4	
No information was found detailing a comprehensive or systematic strategy for raising awareness within Government departments on policies relating to FCTC Article 5.3.						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)			2			
No specific policy exists to disallow contributions from the tobacco industry. However, such interactions are governed by broader anti-corruption regulation (27).						
TOTAL SCORE			27			

¹⁰ For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	British American Tobacco NZ (BATNZ)	65%	Dunhill, Rothmans, Lucky Strike, Kent, Pall Mall, Newport, Camel and Natural American Spirit.	Tobacco Returns, Ministry of Health 2018
2	Imperial Tobacco NZ (ITNZ)	21%	Horizon, WEST, JPS, Peter Stuyvesant	«
3	Philip Morris NZ (PMNZ)	13%	Choice, Marlboro, Chesterfield, Longbeach	«

	TOP MEDIA/ NEWSPAPERS	URL
1	Radio NZ	rnz.co.nz
2	The Spinoff	spinoff.co.nz
3	The Scoop	scoop.co.nz
4	Newsroom	newsroom.co.nz
5	Stuff	stuff.co.nz

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	Taxpayers Union	Lobby group with TI support	taxpayers.org.nz
2	NZ Initiative	Thinktank with TI support	nzinitiative.org.nz
3	COREISS	'Research centre' funded by FSFW (funded by PMI)	coreiss.com
4	NZ Association of Convenience Stores	Industry ally	https://nzacs.com/
5	Aotearoa Vapers Community Advocacy (AVCA)	Front group	https://www.avca.nz/

References

1. Ministry of Health. 2021. Consultation on Proposals for a Smokefree Aotearoa 2025 Action Plan: Analysis of submissions. Wellington: Ministry of Health. Dec 2021. Available from: https://www.health.govt.nz/system/files/documents/publications/consultation_on_proposals_for_a_smokefree_aotearoa_2025_action_plan_analysis_of_submissions.pdf
2. Cheng D. Revealed: Big Tobacco behind dairy owners' postcard protest at Parliament. NZ Herald. 22 Jun 2021. Available from: <https://www.nzherald.co.nz/nz/politics/revealed-big-tobacco-behind-dairy-owners-postcard-protest-at-parliament/LH6HUI76LHLKGOHX26PCTLMCE/>
3. Office of the Associate Minister of Health. Smokefree Aotearoa 2025 Action Plan approval. Dec 2021. Available from: https://www.health.govt.nz/system/files/documents/information-release/cabinet_paper_smokefree_action_plan_2025.pdf
4. Hon. Dr Ayesha Verral. Thousands of lives and billions of dollars to be saved with smokefree bill passing. 13 Dec 2021. Available from: <https://www.beehive.govt.nz/release/thousands-lives-and-billions-dollars-be-saved-smokefree-bill-passing>
5. Ministry of Health Manatu Hauora. Proposals for the Smoked Tobacco Regulatory Regime. 4 Jan 2023. Available from: <https://www.health.govt.nz/publication/proposals-smoked-tobacco-regulatory-regime>
6. Tania Goatley / Sarah Brougham Partner/Associate Bell Gully. Letter to Director General of Health on behalf of BAT New Zealand. 25 Nov 2023. Available from: https://www.health.govt.nz/system/files/documents/pages/2022-11-25_letter_on_behalf_of_batnz.pdf
7. Dahmen A. Exclusive: British American Tobacco threatens legal action over Government vaping review. NZ Herald. Available from: <https://www.nzherald.co.nz/nz/politics/exclusive-tobacco-giant-threatens-legal-action-over-govt-vaping-review/NZDD5KE4GZEULCAERSO65Z17CY/>
8. Dave Hooker/ Executive Director. Letter to Representatives on behalf of New Zealand Association of Convenience Stores. Available at: <https://nzacs.com/wp-content/uploads/2023/04/NZACS-letter-April-2023-2.pdf>
9. <https://www.health.govt.nz/news-media/news-items/vaping-regulatory-authority-reviewing-all-notified-vaping-substances-ensure-compliance>
10. Vaping Regulatory Authority. Sent Via Email 6 December 2022 Available from: https://www.health.govt.nz/system/files/documents/pages/email_sent_to_bat_and_co-signatories_from_vra_6_dec_2022.pdf
11. Burrows, M. Coronavirus: Petone cigarette factory Imperial Tobacco open despite COVID-19 lockdown. Available at: <https://www.newshub.co.nz/home/money/2020/03/coronavirus-petone-cigarette-factory-imperial-tobacco-open-despite-covid-19-lockdown.html>
12. Hirono, K., Gleeson, D, and B. Freeman, To what extent does a tobacco carve-out protect public health in the Trans-Pacific Partnership Agreement? Public Health Res Pract, 2016. 26(2).
13. NZSuperFund Te Kaitiaki Tahua Penihana Kaumātua o Aotearoa. Exclusions. Available from: <https://nzsuperfund.nz/how-we-invest/responsible-investment/exclusions/>
14. NZ Customs Service Te Mana Arai O Aotearoa. Duty-free shopping. 2020; Available from: <https://www.customs.govt.nz/personal/travel-to-and-from-nz/duty-free-shopping/>
15. Milne, J. Extreme concern: Tobacco firm uses loophole to target price-sensitive smokers. In Newsroom, available at: <https://www.newsroom.co.nz/tobacco-firm-exploits-excise-tax-loophole-to-target-price-sensitive-smokers>
16. Ministry of Health. Meetings and correspondence with tobacco industry representatives. Available at: <https://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/who-framework-convention-tobacco-control/meetings-and-correspondence-tobacco-industry-representatives>
17. New Zealand's Customs Service. Obligation under Article 5.3. Available at: <https://www.customs.govt.nz/about-us/legislation/international-agreements/>
18. Espiner, G. <https://www.rnz.co.nz/news/lobbying/486670/lobbyists-in-new-zealand-enjoy-freedoms-unlike-most-other-nations-in-the-developed-world>
19. Desmaris, F. Lobbying in Parliament: New rules announced by Hipkins. Available at: <https://www.1news.co.nz/2023/04/03/lobbying-in-parliament-new-rules-announced-by-hipkins/>
20. New Zealand Electoral Commission Mō Te Kaitiaki Take Kōwhiri. Party donations and loans by year. Available from: <https://elections.nz/democracy-in-nz/political-parties-in-new-zealand/party-donations-and-loans-by-year/>.
21. Government Superannuation Fund Authority. GSF Responsible Investment List. July 2022. Available from: <https://www.gsfa.govt.nz/policies/responsible-investment/2022-07-gsf-ri-exclusions-website-list.pdf>

22. Block, G. Exclusive: Former Cabinet minister Kris Faafoi to head new lobbying and PR firm. Available at: <https://www.nzherald.co.nz/nz/exclusive-former-cabinet-minister-kris-faafoi-to-head-new-lobbying-and-pr-firm/MVTOAEY6MNVWG5T5MFPS62IBDZA/>
23. Rutherford, H. Hutt South candidate downplays his tobacco past. 2014; Available from: <https://bit.ly/3fkdlQI>.
24. Dawson, A., My year as a NZFirst supporter, in Newsroom. 2017.
25. Te Kawa Mataaho Public Service Commission. Standards of integrity and conduct for the State Services, ministerial staff and agencies. 2021; Available from: <https://www.publicservice.govt.nz/our-work/integrityandconduct/>
26. Ministry of Health Manatū Hauora. Tobacco returns 2022. Available from: <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/smoked-tobacco-products/information-manufacturers-and-importers-smoked-tobacco-products/tobacco-annual-returns/tobacco-returns-2022>
27. New Zealand Government. Crimes Act 1961. Available from: <https://bit.ly/2RSR1W2>.