

# Public health vandalism: new Government scraps world-leading smokefree legislation

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In one of its first acts, the new Government announced its intention to repeal the 2022 *Smokefree Environments and Regulated Products Amendment Act* (SERPA) and overturn its three key measures: mandated de-nicotinisation of smoked tobacco to make it non-addictive, a 90% reduction in the number of tobacco retailers and protecting future generations by ending tobacco sales to anyone born after 1 January 2009.

This action has aroused huge controversy locally and internationally. For example, Professor Boyd Swinburn, co-chair of the Health Coalition Aotearoa, commented: *“This is a major loss for public health and a huge win for the tobacco industry—whose profits will be boosted at the expense of Kiwi lives.”*<sup>1</sup> Indeed, the Government’s action is nothing short of deliberate public health vandalism.

Our legislation created one of the most comprehensive and rigorous strategies in the world to address the tobacco epidemic.<sup>2</sup> Modelling studies suggest the measures, with mandated de-nicotinisation being particularly pivotal, will result in profound, rapid and equitable reductions in smoking prevalence, substantial reductions in deaths and disease and huge savings in healthcare costs.<sup>3</sup> The new Government’s decision to rescind these measures will result in more cancer, more heart attacks and stroke, more incurable lung disease and more cot deaths than would otherwise occur. It will create and increase health inequities because smoking and smoking-related diseases place a disproportionate burden on Māori and Pacific peoples.<sup>4,5</sup>

So, what lessons can we learn, and is there any light at the end of the tunnel?

The first lesson is that the coalition Government attaches a low priority to improving health through prevention or addressing health inequity.

The National Party pre-election policy priorities include this statement: *“National is working closely with women’s health organisations*

*to develop policies in the key areas that New Zealanders have told us really matter to them – that includes the prevention [our emphasis] and treatment of women’s cancers.”*<sup>6</sup> Evidently, it is not working to prevent lung cancer, the commonest cause of cancer death among women,<sup>7</sup> or any of the other nine cancers caused by smoking.<sup>8</sup> The Government appears wholly unconcerned about promoting a fairer society by addressing health inequities, given smoking contributes around a quarter of the life expectancy gap for Māori and Pacific peoples compared to non-Māori, non-Pacific peoples.<sup>5</sup>

Nicola Willis, the new finance minister, illustrated this disregard for health, wellbeing and equity when explaining that the Government would use excise tax from tobacco to fund promised tax cuts. In other words, the lives of people who smoke can fill the fiscal gap that dropping the foreign buyers tax on house sales created.<sup>9</sup>

The Health Minister, Dr Shane Reti, is a general practitioner who has previously expressed support for the SERPA measures, particularly mandated de-nicotinisation. During the third reading debate for SERPA, National MP (and now Associate Health Minister) Matt Doocoy summarised National’s position: *“As Dr Reti clearly outlined, the National Party agrees with the end goals. In fact, to a point, we actually even agree with the three policy levers of reducing retail shops, de-nicotinisation, and making it illegal for a certain cohort of New Zealanders born after 2009 to buy cigarettes. But where we differ on this side of the House is the order of those three levers.”*<sup>10</sup> However, disappointingly, Dr Reti too has failed to promote health and equity and stand up for these vital public health interventions.

Lesson two is that the Government will apply its new targets-based approach very selectively. National announced: *“Health targets save lives so we will restore them to focus the system on doing better for New Zealanders.”*<sup>11</sup> Unfortunately, this new focus seems not to apply to one of the most

long-standing health targets, adopted by the National-led Government in 2011, “to reduce the number of people smoking and tobacco availability to minimal levels, thereby making New Zealand essentially a smokefree nation by 2025.”<sup>12</sup> Dropping the three SERPA measures will inevitably delay realisation of the smokefree goal and is incongruent with a targets-led approach.<sup>3</sup>

A third and sobering lesson is how closely the new Government’s views align with those of the tobacco industry. Three major multinational tobacco companies submitted to the consultation process for the SERPA legislation and recommended all three key measures should be dropped. The Health Select Committee considered and rejected those recommendations. Now, despite Health Minister Dr Shane Reti’s previous support for the individual measures, the new Government has adopted the tobacco industry viewpoints in full, effectively mirroring the tobacco industry’s agenda. In justifying this decision, the health minister and prime minister have emphasised specious industry arguments such as the risk of an explosion in the black market and in retail crime.

What has triggered this *volte-face*? This question merits thorough investigation to ensure the Government is meeting its obligations under section 5.3 of the World Health Organization’s Framework Convention on Tobacco Control to exclude the tobacco industry from any influence on policy.

Lesson four is that this Government has displayed scant regard for New Zealanders’ views on public health policy issues. Evidence from the ITC New Zealand survey shows that the vast majority of people who smoke regret starting (82%), acknowledge they are addicted (93%), want to quit (71%) and have already tried to quit (84%), often multiple times.<sup>13</sup> Unsurprisingly, most people (76%) who smoke and most Māori who smoke (59%) also support the key measure of de-nicotinising tobacco so these become non-addictive and much easier

to quit.<sup>13,14</sup> General population support is also very strong. For example, preliminary data from a 2023 survey of young people found very strong support for all three of the key SERPA measures: 65–78% support among 16–19-year-olds and 69–80% from 20–29-year-olds.<sup>15</sup>

A final lesson is the concern this episode raises about how the Government will operate, and the courage and ability of National Party leadership. These events demonstrate and potentially establish a precedent for the new Government to introduce policies and make decisions for which there are no democratic mandates (neither National or ACT referred to repealing SERPA in their election campaigns), no consultative processes and that lack public support. The events suggest junior coalition partners will have influence disproportionate to their public support. New Zealand First (the only party to include repealing the SERPA measures in its manifesto) and ACT seem likely to have insisted on the repeal of SERPA in the coalition negotiations. Rather than show consistency with the health minister’s statements during the third reading of the *Bill*, the prime minister has ceded to the demands of his junior coalition partners. It seems that when Winston Peters says “jump” the response of Prime Minister Christopher Luxon is “how high”?

However, there is light at the end of the tunnel. The outpouring of international support and the outrage expressed by communities, non-governmental organisations and health professionals in Aotearoa New Zealand to get this perverse action overturned has been heartening. It is not too late for the health minister to stand up for health and health equity, or for Prime Minister Christopher Luxon to demonstrate that he leads a government that values health, wellbeing and evidence over tobacco industry propaganda, and is big enough to admit it made a mistake. If they do, we promise to be first with our congratulations.

**COMPETING INTERESTS**

Nil.

Janet Hoek received funding from HRC programme grant 19/641 for this work.

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