



ASPIRE Aotearoa Smokefree Repeal Factcheck – December 8 2023

This is a factcheck of statements by the government about the proposed repeal of the Smokefree Environments and Regulated Products Act 1990 (SERPA) and regulations. It covers the period up to Friday December 8. We intend to provide a regular update.

1. The number of tobacco stores if the SERPA Act is implemented

The SERPA legislation stipulates that from 1 July 2024 the number of stores allowed to sell tobacco products will reduce from around 6000 to a maximum of 600. The aim is to reduce the availability of tobacco products in order to discourage young people from starting to smoke and assist people who do smoke to stop.

Government claims: ‘only a single retail tobacco store in Northland’

PM Christopher Luxon, Post-cabinet press conference November 29:

“We think it’s wrongto have a single store in Northland as a target for crime, and for gangs and for ram raids....you’ve got one store in Northland that will be a magnet for crime.”

National spokesperson Chris Bishop, Q & A December 3:

“There’d be one store in Northland, that’s my understanding, yes.”

Chris Bishop was challenged about the accuracy of this claim by the interviewer (Jack Tame) but continued to insist that ‘his understanding’ was that there would be only one store selling tobacco products in the Northland region.

Fact check:

This information is easily accessible on the Ministry of Health website:

<https://www.health.govt.nz/publication/maximum-numbers-approved-smoked-tobacco-retail-premises-permitted-areas-new-zealand>

The PM later admitted he was wrong and that there would be 18 rural sites and about 17 in towns across Northland, a total of 35 proposed outlets. You can read about it here:

<https://www.newshub.co.nz/home/politics/2023/12/smokefree-laws-christopher-luxon-slammed-with-questions-about-national-s-accuracy-after-false-tobacco-store-claim.html>

Conclusion:

False. The Prime Minister gave a grossly inaccurate figure, Chris Bishop repeated the incorrect figure and then doubled down on it despite being challenged. Finally, after the error had been pointed out repeatedly, the Prime Minister admitted he and his third-ranked party member were wrong. This admission did not come until December 3, four days after the false statement was first made.

2. Government stance on SERPA measures and their implementation when in opposition

Government claims: National Party opposed Smokefree Act

PM Christopher Luxon, AM on ThreeNow, December 4:

Interviewer (Ryan Bridge) asked “Can you say how many lives will be lost because you are making the change (repealing smokefree legislation)?”

PM Christopher Luxon:

*“Well again that’s not been our approach, **our party and others opposed this legislation as it came through the Parliament just before the election ...**” (our emphasis)*

The Interview can be viewed here:

<https://www.newshub.co.nz/home/politics/2023/12/smokefree-laws-luxon-admits-he-doesn-t-know-how-many-lives-could-be-lost-by-scraping-regulations.html>

Fact check:

During the SERPA Bill Third Reading debate on December 13 2022 the National Party health spokespersons (Dr Shane Reti and Matt Doocey) strongly supported denicotinisation and stated that denicotinisation should be implemented first to recognise some potential (though unproven) concerns they held about the impacts of retailer reduction on retailers.

https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20221213_20221213_24

Dr Shane Reti:

“Our positioning on this bill has been to achieve nicotine reduction with the least collateral damage possible... We’ll denicotinise — now, that does have some weight to it: it’s being deployed in Colorado as we speak. It actually does have a pathway that is successful ... The National Party proposed denicotinisation first and then retail reduction if needed.”

Matt Doocey:

“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, denicotinisation, 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.”

National voted against the Bill on the grounds that they disagreed with the sequencing of measures in the legislation rather than disagreement about the need or justification for the measures themselves. Spokespeople from ACT opposed the legislation and ACT MPs voted against the Bill.

The National Party proposed an amended schedule through a Supplementary Order Paper (No 314, Dec 6 2022). In this they argued that modelling shows that denicotinisation does the ‘heavy-lifting’ to meet the smokefree goals. They suggested

denicotinisation should be implemented 18 months after commencement of the Act with retail reduction and smokefree generation applied if required after a review.

Conclusion:

Mostly False: Hansard transcripts and the Supplementary Order Paper show the National Party supported denicotinisation and proposed introducing this measure first. They also supported the other two key measures if still required after denicotinisation, and voted against the Bill because their proposed sequencing change was not adopted.

3. Timing of SERPA Act and timeline for smokefree policy implementation

Government claims: the Smokefree Act was implemented immediately before the election and would not come into force for over three years

PM Christopher Luxon, AM on ThreeNow, December 4:

Interviewer (Ryan Bridge) asked “Can you say how many lives will be lost because you are making the change (repealing smokefree legislation)?”

PM Christopher Luxon:

*“Well again that’s not been our approach, our party and others opposed this legislation as **it came through the Parliament just before the election** ... We’re not going to support a government policy that hasn’t taken effect yet, doesn’t take effect **for another 3 years**” (our emphasis).*

The interview can be viewed here:

<https://www.newshub.co.nz/home/politics/2023/12/smokefree-laws-luxon-admits-he-doesn-t-know-how-many-lives-could-be-lost-by-scraping-regulations.html>

Fact check:

The Third Reading of the SERPA Bill occurred on December 13 2022. The Act received Royal Assent on December 16.

The timeline for implementation of the smokefree measures is set out in the SERPA Act. Retailer reduction will take effect in 8 months’ time (July 1 2024), denicotinisation in 16 months’ time (April 1 2025) and the Smokefree Generation in 25 months’ time (Jan 1 2027).

Conclusion:

False: The Prime Minister’s assertion that the legislation came through ‘just before the election’ is incorrect. The stated timeline for implementation with respect to the three key measures is also false. None of the key measures within the Act were to come into force “in over 3 years time”; the first measure was due for implementation within 8 months.

4. Government use of policy impact estimates

Government claims: Government does not use modelled estimates of policy impact

PM Christopher Luxon, AM on ThreeNow, December 4:

Interviewer (Ryan Bridge) asked “Can you say how many lives will be lost because you are making the change (repealing smokefree legislation)?”

PM Christopher Luxon:

“Well again **that’s not been our approach**” (our emphasis)

Interviewer follow up question: “Have you even asked the question how many lives might be lost because I am making this change?”

PM Christopher Luxon:

“ No I haven’t”

The interview can be viewed here:

<https://www.newshub.co.nz/home/politics/2023/12/smokefree-laws-luxon-admits-he-doesn-t-know-how-many-lives-could-be-lost-by-scraping-regulations.html>

Fact check:

Government spokespeople in numerous interviews have refused to answer questions about the impact of the repeal of the legislation on deaths caused by smoking. This is despite a modelling study suggesting the legislation measures will prevent thousands of deaths over the next 20 years.

National’s website indicates the party has assessed the lives other policies will save. Their plan for ‘putting the country back on track’ (<https://www.national.org.nz/plan>) includes a ‘Free breast cancer screening’ section where they make the following statement (<https://www.national.org.nz/breastcancerscreening>).

“Currently, free breast cancer screening is only available for women up to the age of 69 years, which is five years behind countries like Australia, Canada and the US, who all screen up to 74 years.

*Extending the breast cancer screening age will mean that over a lifetime, the number of free mammograms a woman can have will increase from 18 to 20. **This will have the potential to save up to 65 lives per year.***

The next National Government will extend free breast cancer screening for those aged up to 74 years.” (our emphasis)

Conclusion:

False. The Prime Minister’s assertion that the National Party does not estimate the health gains from policy measures is contradicted by his own party’s pre-election plan which includes modelled estimates for another health policy.