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### Hansard (debates)

# Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill — First Reading

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## Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill

### First Reading

**Hon TARIANA TURIA (Associate Minister of Health)** : I move, *That the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill be now read a first time.* I nominate the Health Committee to consider the bill. As a great-grandmother and grandmother of close to 50 mokopuna, I am acutely aware of the importance of branding upon the psyche of the young person. What really matters is not so much about being neat and tidy but more that your socks have the tick strategically placed, the shirt is emblazoned with the latest label, and the cap is the right colour and the right look. So when I read the research revealing that consumers buy branded products as much for their symbolic value as for their utility, it made perfect sense.

In essence, the decision to introduce plain packaging for tobacco products in New Zealand is all about the branding. It takes away the last means of promoting tobacco as a desirable product. When tobacco manufacturers push tobacco, they are not simply selling a stick of nicotine; they are selling status, social acceptance, and adventure. The design and appearance of tobacco products and, in particular, the way they are packaged influence people's perceptions about these products and the desirability of smoking. Brand imagery demonstrably increases the appeal of tobacco brands, particularly to youth and young adults, helping to attract new smokers and also implying wider social approval for tobacco use.

The Smoke-free Environments Act 1990 introduced extensive restrictions on traditional forms of advertising for tobacco products. A quarter of a century later tobacco companies have deliberately used packaging design and appearance to make their products appear more desirable and to promote their use. The objectives of this bill are very clear: to reduce the appeal of tobacco products and smoking, particularly for young people; to further reduce any wider social acceptance and approval of smoking and tobacco products; to increase the noticeability and effectiveness of mandated health warning messages and images; and to reduce the likelihood that consumers might acquire false perceptions about the harms caused by tobacco products.

For too long tobacco companies have been creating brands in advertising to persuade us to think that smoking is glamorous, fun, cool, sophisticated, and a part of life, knowing that they had to sell only the myth and the nicotine addiction would take over. I want to commend those parties across this House that have been consistently committed to this goal of being smoke-free. When Parliament moves

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together in one direction, we can make significant progress and improve the health of New Zealanders. That is surely what should be uppermost in the minds of every politician—protecting the health of future generations while at the same time taking prudent responsibility for the use of taxpayer funds. We have been able to take a courageous approach to tobacco control measures, and I strongly recommend we continue to do so. In this way we will create better health outcomes for all New Zealanders.

Plain packaging will be most effective in building on other legislation to improve tobacco control, such as the annual 10 percent tobacco tax increases through to 1 January 2016, and the ban on displaying tobacco products at the point of sale, which this House overwhelmingly supported in 2011. No one measure will make the difference in isolation. Each of these measures addresses specific elements in establishing a comprehensive tobacco control regime. Tax increases are a particularly effective policy tool to reduce tobacco consumption. We also know that reducing the visibility of tobacco products contributes to this objective. Having removed the display of tobacco products in shops, we are now tackling how these products look by greatly reducing their appeal, especially to young people—our children and our grandchildren.

I am determined that we must denormalise smoking and build on the progress that we have seen to date. This bill is about sending a very clear message to tobacco companies that this Government is serious about ending unnecessary deaths and poor health outcomes related to tobacco use. The intent of the legislation is to prevent the design and appearance of packaging and of products themselves from having any visual or other effect that could serve to promote the attractiveness of the product or increase the social appeal of smoking.

The plain packaging regime will tightly control the design and appearance of tobacco product packaging and of the products themselves by allowing the brand name and certain other manufacturer information to be printed on the pack, but with tight controls—for example, on the font used, its size, its colour, and its position on the pack. It will standardise all other design elements of tobacco product packaging, such as the materials, colours, and type faces or fonts that may be used. It will require the packaging to carry larger, more prominent, and more pertinent warning messages and graphic images, controlling the design and appearance of individual cigarettes and other products.

The colouring and wording used on tobacco packaging has been shown to create misconceptions that tobacco products are less harmful and that it is easier to quit than is in fact the case. Internationally, smoking remains the largest cause of preventable death. It also contributes to profound health and social inequalities and outcomes for Māori and Pasifika peoples. There is no other consumer product that is so widely used and that directly poses such a high level of health risk to users, particularly long-term users. Quitting smoking or, even better, never smoking is the key to enjoying a longer and healthier life with loved ones.

As a nation, the burden of disease and the national health costs caused by smoking are massive. The introduction of plain packaging will do much to turn this situation round. It will discourage people from taking up smoking or using tobacco products, and encourage people to be smoke-free and healthier. It will also reduce people's exposure to second-hand smoke from tobacco products. I want to signal that I am still of the view that we can do a lot more on this front, particularly on the goal of increasing the numbers of parents and caregivers who do not allow smoking in their car at any time, fully cognisant of the threat that it imposes on their children.

Finally, this bill will support New Zealand in meeting its international obligations and commitments under the World Health Organization's Framework Convention on Tobacco Control, and it will align the tobacco plain packaging legislation in Australia consistent with the Trans-Tasman Mutual Recognition Agreement. I am confident that this bill is consistent with all New Zealand's international obligations. We are convinced that plain packaging is a really important step on our path to being a smoke-free country by 2025, and that it will stack up against our World Trade Organization obligations. That is why

we are pushing forward to take the legislation through the parliamentary processes without delay.

New Zealand takes all of its international obligations seriously. Our plain packaging regime has been developed to be consistent with our trade obligations, and our approach to negotiating new trade agreements continues to protect our ability to take public health measures such as plain packaging. The agreements and treaties can, and should, work together to boost both international trade and public health, and this is a good example of where we can achieve both objectives.

Although the tobacco industry may have laid down a threat if this legislation is passed, my message to it is that our country has a sovereign right and a legal right to protect its citizens. I am firmly of the opinion that it is not for any tobacco company to be telling us what we should be doing in our own land. Five thousand New Zealanders die from smoking a year, and that death toll places a responsibility on every politician to pass legislation in our land that will help save lives and increase well-being—legislation that makes a tangible, enduring impact on the lives of the people of this country. I commend this bill to the House for its first reading.

- Sitting suspended from 6 p.m. to 7.30 p.m.

**IAIN LEES-GALLOWAY (Labour—Palmerston North)** : It is a great pleasure to rise to speak in favour of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill. Labour has undoubtedly the longest and most consistent track record of any parliamentary party for supporting measures that reduce the harm caused by tobacco. It goes right back, of course, to 1989-90, when the Smoke-free Environments Act, the Act that this bill amends, was first passed by the Labour Government under the then health Minister, Helen Clark. Subsequent to that we have made a number of amendments to the Smoke-free Environments Act—removing smoking from bars and restaurants and removing smoking from the workplace. It is fair to say that, at times, the debate has been rigorous, and many politicians have found themselves unable to support these measures, but Labour has always driven the agenda to reduce the harm caused by tobacco. This is the role, I think, of progressive parties, because progressive parties do want to effect positive change for the people whom they represent and, often, conservative parties find that change difficult to grasp. But what we find, of course, is that with the passing of time, those things that seemed like they were going to bring about the end of the world just become normal practice, and everybody accepts that, indeed, it was the right thing to do at the time.

Labour has a very proud history of being on the right side of the tobacco debate. That is because our interests lie in representing the people of New Zealand. Our interests lie in doing the right thing for our citizens. Our interests certainly do not lie with the tobacco industry. The tobacco industry wails and cries every time a measure like this is implemented, and the more it wails, the more I am convinced that we are doing the right thing. So it is outstanding that the vast majority of parties this evening will be supporting this first reading of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill.

What it seeks to do is to get rid of the last bastion of tobacco advertising. We got rid of most advertising back when the Smoke-free Environments Act was first passed, but the packaging has been the last opportunity that the tobacco industry has had to push its product. We made a significant step forward during the last term of Parliament when we got rid of the tobacco displays, and now we are pushing the last boundary of tobacco advertising by getting rid of this branding and packaging. There is no reason for branding to be used to differentiate cigarettes, because tobacco is tobacco is tobacco. It does not matter what you wrap it up in—it kills. Five thousand people are killed every year as a result of tobacco-related diseases. It kills around half its users. That is not a normal product that ought to be treated normally like any other consumable. It does not belong in dairies next to the bread and the milk and the lollies. And it does not deserve to have branding designed to entice young people to use this lethal product.

We support this legislation, but we are a little bit concerned about one aspect of it in particular, and that is that the commencement of this legislation is handed over to an Order in Council. Effectively, the Government gets to decide when this legislation comes into force. The reason for that, of course, is concerns around being sued by the tobacco industry as a result of a potential breach of trade agreements. The real concern is that the Trans-Pacific Partnership will foist upon New Zealand rules and regulations that stop us from doing exactly this, which is to legislate in the best interests of the public health of New Zealanders. We must be vigilant. We must be vigilant and ensure that any trade agreements we sign up to do not allow us to fall into that trap. We are watching Australia closely, but I want New Zealanders to understand that the agreement that Australia has with Hong Kong was poorly drafted in this area and left Australia exposed to the type of litigation that it is facing. New Zealand's trade agreements, generally speaking, have avoided that, and we need to ensure that should the Trans-Pacific Partnership go ahead, it avoids this, as well.

That is why we are asking the Government to be transparent about the Trans-Pacific Partnership. That is why we are asking that when the text is finalised, it be published so that New Zealanders can see what is in it before the National Government signs us up to it. We need to know whether the Trans-Pacific Partnership will have any bearing on the implementation of this legislation, and we on this side of the House are concerned that the reason the Government does not want this legislation to be implemented as soon as it is passed by Parliament, and instead is handing that right over to itself, the Government, is that it wants to keep in the back pocket the opportunity not to enforce this legislation, in the event that it sells off to American interests that are pushing their agenda through the Trans-Pacific Partnership our right—our sovereign right—to legislate in the interests of the public health of New Zealanders.

That would be a very unfortunate consequence, indeed, because it is clear that this measure has broad support in Parliament. It has broad support out in the public as well. New Zealand is a sovereign nation that ought to be able to say that we do not accept that 5,000 of our citizens are killed every year by tobacco, and that we do not accept that the tobacco industry has the right to push its product on to youngsters to try to get them hooked at an early age so that when they do make the decision that they want not to smoke any more, they are addicted to nicotine and unable to get away from the habit. We do not want the tobacco industry to be able to do that, and we do not want to give up our right to regulate in the interests of New Zealanders. But with that one concern aside, we do support this legislation.

It is the right thing to do, and we congratulate the Minister Tariana Turia on the work she has done in advancing the cause of tobacco control while she has been a Minister in this Government. There is no doubt to those of us on this side of the House that in the absence of Tariana Turia the progress that has been made over the last 5 years would simply not have happened. We would have probably rested on our laurels, allowing only the advances that the Labour Government had driven to set in place, and we would have had to wait for another progressive Government to come in and continue the work. It is great that we have not lost those 5 years, and we congratulate Tariana Turia on those efforts.

This is just another step in a long line of measures that have over the last three decades moved us towards a smoke-free future, but now we have the absolute goal that we want New Zealand to be smoke-free by 2025. I think that this is a very positive measure that will over time have the effect of reducing the number of young people who take up smoking, so they do not then have to have the lifetime battle of trying to get off nicotine and have to save themselves from the damage done by tobacco. It is not the silver bullet. We will not see instant results, but this is a positive measure towards making New Zealand smoke-free and preventing awful diseases that take life and cause enormous cost to the health system. We support this bill.

**Dr PAUL HUTCHISON (National—Hunua) :** It gives me great pleasure too to speak on the

Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill. Although I believe that Mr Lees-Galloway had a somewhat one-eyed view of the genesis of this legislation, I do agree with him that its genesis has been long and the legislation has been contributed to by many tens of thousands of people over many, many decades. I must remind you, Mr Deputy Speaker, that at the end of the Second World War, tobacco smoking had been generally normalised in most Western societies. The troops were given tobacco as a daily ration, and unfortunately it was not until the 1960s, when Sir Richard Doll did his extraordinary epidemiological work, that it was shown beyond doubt that carcinoma of the lung was caused by tobacco smoking. It was not until the 1990s, however, that this country really got into making legislation to—

**Hon Annette King:** 1989-90.

**Dr PAUL HUTCHISON:** That is right. The early 1990s, and then later on there was the smoke-free amendment legislation. I absolutely accept that, and I would like to acknowledge Professor Robert Beaglehole, who is the founder of Action on Smoking and Health in New Zealand and has been very much the intellectual brains behind a lot of the work done, which has required a huge amount of effort and energy over a long period of time. There have been people who have doubted such things as bringing smoke-free transport and smoke-free restaurants into New Zealand, and now we all celebrate that fact.

The purpose of this legislation indeed is to introduce plain packaging for tobacco products, but particularly the aim is to reduce the tobacco uptake among young people. As the Hon Tariana Turia mentioned in her speech, branding can be very appealing to young people in its many forms and sorts, and in fact it can be very appealing to all people. The whole aim of the tobacco companies is to induce that Pavlovian dog reflex whereby the person who sees the brand just cannot help but get stuck into the goodies, and the whole idea of this legislation is indeed to help reduce the glamorisation of packaging that the tobacco companies have been just so very happy to use, despite the harm tobacco causes.

I understand that ACT and Mr Banks will be one of the few parties not supporting this bill, but might I say to Mr Banks that as I understand it, libertarian philosophy would say: “As much freedom as possible provided it does no harm.” What we do know is that there are probably 400 to 500 New Zealanders per year who die prematurely because of second-hand smoke. So I would invite the member—

**Hon John Banks:** Will this work?

**Dr PAUL HUTCHISON:** Well, I did see in the *New Zealand Herald* today that you say you are very much a supporter of people stopping smoking, and indeed this is yet another piece in the long number of amendments to that initial smoke-free legislation that we believe will contribute to the diminishment of smoking in this country. *[Interruption]* We have yet to see them, and I would say good on the Australians for bringing in the legislation. It is the first country in the world to do so. The jury is out, but the evidence we have seen from the early academic papers from Victoria suggests that it is indeed highly effective, Mr Banks, so keep an open mind and keep your libertarian philosophy high.

I would say that the record and the contribution of the National Government in this area is absolutely beyond doubt. We have increased the excise on tobacco products year after year—the area that we know is most effective. We have banned smoking in prisons and the display of tobacco products at the point of sale, and we have seen a big increase in the uptake of Government-subsidised nicotine replacement therapy. We have set the health target for hospitalised patients to quit smoking to 95 percent by 2014, and it has already been achieved. We have now got the target out there in the community for general practitioners to give advice to all their patients who smoke, and we are now working on a target for pregnant women. So that too has to be extraordinarily good.

I must acknowledge the Māori Affairs Committee and its tremendous effort when it suggested

Aotearoa should become smoke-free by 2025. This has been taken up by the National Government and is another example of where we have shown our absolute commitment to reducing the harm from smoking. We are making sure that time-bound targets are flexible, realistic, and cost-effective.

I was interested to see that the tobacco companies are still able to have their individual brands on the packages but with very tight controls. Hence the controversy in Australia. Good on the Aussies. Unfortunately, it has bitten them in terms of the way that they are now embroiled in a very difficult court case, through those countries that are producing tobacco and, of course, the tobacco companies, which are doing everything they can in the Third World to encourage and promote smoking, which is very much against the public health in those countries.

There is no doubt in my mind that although we do not know exactly when this legislation will be enacted, the majority of the Parliament is very much for it. But the issues around the World Trade Organization (WTO) are that every country has the sovereign right to protect the health of its people. I do not believe the problem is so much about free trade and the WTO; I believe it is much more about scurrilous tobacco companies colluding with tobacco-producing countries to bring in expensive, delaying court action.

In respect of the issues regarding the Trans-Pacific Partnership, we have clearly signalled that that legislation will come through this Parliament. We have clearly signalled that we will not compromise our sovereign right to protect the public health of our people. This legislation is another step in protecting the public's health from the proven harms of tobacco. I commend it to the House.

**Hon ANNETTE KING (Labour—Rongotai)** : It is such a shame that the member who has resumed his seat, Dr Paul Hutchison, never had the opportunity to become the Minister of Health. I believe he would have made a very fine Minister of Health because he has always stood by his principles, and you have just heard some of them tonight, when it comes to the control of tobacco.

You know, there are some things that happen in your political career that are less than memorable, and then there are other times when you are involved in policy or change that remain with you for the rest of your life. For 5 years I was involved as Minister of Health in the World Health Organization's Framework Convention on Tobacco Control. New Zealand along with Australia and Norway—and for the first time, with the involvement of NGOs—were the driving force in getting in place a comprehensive framework on tobacco control. At those meetings Dr Robert Beaglehole was there supporting, encouraging, and guiding, along with Dr Don Matheson and others. At the 56th assembly on 21 May 2003, the Framework Convention on Tobacco Control became the first World Health Organization treaty adopted under article 19 of the World Health Organization constitution. In fact, it was one of the most quickly ratified conventions in the history of the UN. The treaty itself came into force on 27 February 2005. At my last visit to Geneva at the World Health Organization assembly, I was fortunate to be there to celebrate the final implementation of this historic convention. It had been signed by 168 countries and was legally binding on 177 ratifying countries.

What did the treaty seek to do? It sought to protect present and future generations from the devastating health, social, environmental, and economic consequences of tobacco consumption and exposure to tobacco smoke. It also set up a universal set of standards stating the dangers of tobacco and limiting its use in various forms worldwide. It provided rules governing production, sale, distribution, advertisement, and taxation on tobacco. It provided a minimum set of standards and encouraged ratifying countries to go even further. It was and still is considered a watershed moment for international public health because it was the first multilateral binding agreement regarding a chronic non-communicable disease.

Some of the requirements in that convention were: the need to have public awareness, and we have that in New Zealand; demand reduction through taxation measures, and we have that; a comprehensive ban on advertising, and that has been in place for a long time; restriction of sale to

minors, and that has been in place for a long time; to have cessation programmes for addiction, and, of course, we have had major policies in smoking cessation programmes in this country for a long time; and, on passive smoking, an obligation to protect all people from exposure to tobacco indoors, in workplaces, and on public transport. New Zealand has done those things. A significant measure was on packaging and labelling—that there be a minimum of large health warnings, and a minimum of 30 percent of the package covered, but 50 percent or more was recommended. This bill, the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, meets one of those last requirements under the Framework Convention on Tobacco Control.

I heard some of the interjections from the Hon John Banks, asking whether plain packaging works. Mr Banks, on its own, it would have to be proven. The bill was put together as part of a framework and as a package of measures, which are together believed by the best experts we have internationally on health to be able to reduce the consumption of tobacco, and not only the consumption but the prevalence of tobacco smoking in countries. So I urge you to see it as part of the continuation of the implementation of that very, very important framework.

New Zealand has always been a leader in tobacco control. So I have been pleased at the measures that have been taken. Dr Hutchison, I have no doubt of your sincerity, but I have to remind you that in the 9 years that we were in Government as the fifth Labour Government—go back and look at the record—unfortunately, your Government voted against every tobacco control measure that we implemented. I am quite sure that it was probably not your choice, but that is the record. It is on the record. I do believe that Tariana Turia, who was part of our Government and was very, very aware not only of the evils of tobacco but of what was required under the convention, has continued to promote tobacco control. I commend her for that. I was disappointed when I heard her say recently that Labour did nothing for tobacco control. I think it must have been a slip of the tongue, because without that convention, and ratifying that convention, and the legislation, and the measures that followed, we would not be where we are today.

I would also like to commend the work that was done by our former leader Helen Clark. She was totally committed to tobacco control and probably brought in the hardest measure, the first measure. It is always hardest to bring in the first one. That measure was banning smoking in workplaces. Many of us who had factories in our electorates and who had working people who voted Labour were very aware of the impact when it came to the 1990 election, and some of us were made redundant for a short while.

I too am very disappointed at the reaction of the big tobacco industry and businesses. I agree with Phil Goff. They ought to butt out of telling New Zealand what we ought to do when it comes to public health. They have no right to dictate to New Zealand and New Zealanders what we ought to do with a product that—every one of them—is dangerous for a person's health. But then, I have to say, it is not unusual that they would do that, because, unfortunately, the USA has not signed the convention on tobacco control. It has refused to sign or to ratify it. In fact, President Bush refused to take the treaty to the United States Senate. So the Senate never even got the opportunity to debate it. Here we have big tobacco companies, which make their money from a product that kills people, trying to tell New Zealanders what we ought to do in terms of our own legislation.

I would have to say that I am a little disappointed that we have to wait for the passage of this legislation and that we are waiting to see what happens in the Australian court case. I think it is good on the Australians for having the courage to say to those big tobacco companies: "Bring it on." I am glad that they have got the money to be able to fund their legal case.

**Hon John Banks:** Why are we waiting?

**Hon ANNETTE KING:** Well, that is a good point, Mr Banks. He just asked why we are waiting. It is a question that you need to put to the Prime Minister.

**Hon John Banks:** Do we believe in it?

**Hon ANNETTE KING:** Yes, I agree that we believe it. It is part of what we believe and where we are heading. The Prime Minister wants to wait to see what happens in the court case in Australia. I think the fear is probably that the tobacco companies might then take us to court. Well, I would give them the two-finger salute and say “Bring it on.”, because we as a Parliament will first of all want to protect the health of New Zealanders. The big tobacco industries continue to peddle their products into Third World countries now. When you look at the countries that have not ratified the convention—and some of them have not signed it—you will find that most of them rely on the growing and the smoking of tobacco. The tobacco companies prey on those people, and I say “Shame on them.”

Some of you would have seen the press release that came out from the New Zealand Association of Convenience Stores. I was also disappointed to see that it is opposed to this measure. It says that the Ministry of Health is hell-bent on supporting this legislation. Well, if the association is listening tonight, it needs to know that the majority of this Parliament is hell-bent on moving a measure that is going to add to the package of measures we have to reduce the consumption and the prevalence of tobacco in New Zealand, and, as Dr Hutchison said, save hundreds and hundreds of people’s lives.

**KEVIN HAGUE (Green) :** I begin my contribution this evening on the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill by welcoming the near-unanimity of this House in being determined to minimise the harm caused by this scourge, tobacco. We Greens have often in the House been criticising successive Governments over time, and it is a great pleasure, I have to say, to be able to praise instead successive Governments since 1990 for a succession of measures to reduce the harm associated with the consumption of tobacco products.

I want to give special praise, as others have, to Minister Turia, who has contributed a very great amount to this cause while she has been an Associate Minister of Health. I also want to acknowledge the role of the Māori Affairs Committee and Tau Henare, and Hone Harawira also, who played a pivotal role in achieving that Māori Affairs Committee landmark report, because the target that we have bought into as a nation—of having a smoke-free Aotearoa by 2025—is a powerful motivator for Government action.

Just in the last month or so we had some very good news about our progress towards that goal. We heard that there has been a substantial drop in smoking rates since 2006 up until the current census, so, overall, we have a smoking rate that is now well on track to being much lower. But it is still not fast enough to achieve the goal of a smoke-free Aotearoa by 2025, and, what is more, although the overall figure looks great, there are still very substantial inequalities. Prevalence rates amongst Māori and amongst Pasifika people are still much higher, and rates in those communities are nowhere near on track for reaching that smoke-free goal by 2025.

What that says is that we absolutely still need that comprehensive strategy, and we need more urgent action than we have implemented to date if we are to achieve our collective goal. That comprehensive strategy is an approach of regulating this product proportional to its amount of harm, and tobacco remains the single greatest cause of preventable death in this country—the amount of harm it causes is astonishingly high.

A number of speakers have referred to the 5,000 deaths each year from tobacco. What that translates to is 13 preventable deaths every single day from this product. I believe, and I think that most members of this House believe, that that kind of death toll—that enormous harm caused to our country and to our population—is reason enough for urgent and dramatic action. Other speakers have put this particular measure into that broader context and I will not dwell on that. But what I do want to point out is something that I think is important to this debate, and that is around the fundamental role of Government. What is, in fact, more fundamental to the role of a Government than to prevent the death of its citizens?



**Shane Ardern:** Nothing.

**KEVIN HAGUE:** “Nothing.”, I hear it said, and I agree with that member, Shane Ardern. This cuts to the very heart of what a Government or a State is about. It is deeply disturbing, therefore, that the Government is proposing to delay the implementation of this bill until such time as the various court cases and actions against the Australian Government are settled. Others have mentioned this. Iain Lees-Galloway spoke about the commencement process—on a date appointed by an Order in Council, or during a period up to 18 months after the date on which the bill is passed. I do not believe that that is acceptable. In the face of the size of this problem and the role that this measure can play in solving that problem, I do not believe that that kind of delay can possibly be acceptable.

Tobacco companies are scared of this bill. They are scared of this measure. Indeed, it falls into a pattern that has existed for every one of the tobacco control measures that has been implemented in every country, every time. Tobacco companies have fought them tooth and nail, and the ferocity of their fighting has been proportional to the likely effectiveness of the measure being considered. Their sole motivation is profit maximisation. That is not a goal that our State, our Parliament, ought to share.

Members will recall the vigorous and expensive advertising campaign that the tobacco companies unleashed upon our nation, and I would put it to this House and to the nation that that is evidence that the tobacco companies are aware of how effective this measure will be. It will be effective at stopping new people taking up smoking, it will be effective at undermining the reinforcement of smoking behaviour of current smokers, and it will be effective at assisting those who have quit to stay quit—all of which the tobacco companies resist and oppose, and all of which this Parliament should be supporting with its whole heart and whole effort. So the Government’s caution in terms of implementation is inconsistent with that need for dramatic action.

What we need instead is a clear and urgent timetable to enact this legislation. I signal thanks to the US Chamber of Commerce and its fellow traveller organisations for putting out just so clearly their intention—that those international agreements ought to undermine this country’s sovereignty—with their threats to this country over the last couple of days. I agree with Dr Paul Hutchison, who said that every nation has the sovereign right to protect the health of its people. I agree with that, and the Greens say that if that sovereign right is threatened, then there is all the more reason for the Government to stand up and protect that sovereign right.

Delaying the implementation of this legislation is caving in to the threats, extortion, and delaying tactics of an evil industry. Thirteen deaths every day demands urgent action, it demands the exercise of that core Government sovereignty, and it demands that this bill is brought into law as soon as it possibly can be.

**Hon JOHN BANKS (Leader—ACT) :** I rise to oppose this Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill with lower case narrative. It seems rather interesting, does it not? I do not seek to be churlish, but I remind this House that I was the only member of this House who voted against recreational drugs in this country. Yet we hear tonight about the sovereign rights of every nation to protect its citizens. I do not disagree with that, but I would have thought those many weeks ago that there was a sovereign right for this House to protect its young people around Sunday recreational drugs. But we will leave that aside.

I am not unhappy that this bill is going to the Health Committee, but it is an exercise in rain dancing in the early stages of an election year. That is what it is: an exercise in rain dancing. It will make members feel good—feel that we have achieved something this week in Parliament for the people and exercised our sovereign right as a nation. We want plain packaging of tobacco, but we allow alcohol to be advertised on TV tonight—

**Hon Annette King:** Good point.

**Hon JOHN BANKS:** I thank the former Minister of Health and I give praise and thanks to her colleague

who is now at the United Nations. Phil Goff and I remember well, 10 parliaments ago, sitting in an aeroplane at 7 o'clock in the morning flying to Wellington with most of the people up front chain-smoking cigarettes.

**Hon Phil Goff:** And we sat in "smoke-free" with no barrier.

**Hon JOHN BANKS:** And we did. We sat in rows A and B in the smoke-free section of Air New Zealand, and, of course, when we got to Wellington we all smelt like ashtrays. No one could believe that Phil had started smoking, not even Mike Moore, who never smoked, by the way—at least, not in an aeroplane.

We got these deaths last year from tobacco, but alcohol causes much more harm than tobacco. I suppose that as a wowser it is easy for me to say it, but I am opposed to both alcohol consumption and tobacco use. They are both available at the corner dairy and they are both legal products sold by legal entities into a market of free enterprise. We wanted to ban tobacco advertising, but what are we doing about it, really? We are introducing a bill early in an election year so that we can feel good about taking a stance against tobacco addiction, mainly with our young people, and the harm that it causes. But this legislation will not see the light of day until the next parliamentary term. I think if this country and the parliamentarians supporting this legislation were committed, they would ram it through the House in the dead of night and put it on the books. But we are not doing that—we are not doing that. So I see this as a very interesting exercise in futility.

But I want to say to the Associate Minister of Health Tariana Turia what a great soul she is and what a fine member of Parliament and a great ambassador for her people she is. She has done a very good job extending the work of previous health Ministers in getting rid of tobacco in this country. I am looking forward to 2025 when this country is tobacco-free. We will see pigs flying across this Parliament, but that is OK because I will not be anywhere near this place.

The point I am making is that if we really want to get to the bottom of tobacco addiction in this country, which is mainly amongst the young, then the international evidence is that increasing the price substantially—increasing the price substantially—is the single biggest initiative we could take. If this Government wanted to take that initiative by doubling the excise duty on tobacco over the next 5 years, I would support that. No one dislikes smoking more than me. Idleness, educational failure, and despair drives the take-up of smoking in so many of our young—idleness, educational failure, and despair. You can see it in the eyes of the people who consume these products on the streets of this country every day of the week. We should address the underlying cause of the deep vein of deprivation. For many, smoking is merely a symptom of those causes of that deep vein of social deprivation.

I congratulate the Associate Minister again. I need to put that on record. However, I ask my Māori Party and National Party colleagues to carefully consider the precedent they will set with this bill. This bill guts the intellectual property rights of tobacco companies. Some will ask: well, who cares? But do we want to gut the intellectual property rights of KFC or Red Bull sugar drinks? KFC and Red Bull sugar drinks are putting this country's level of obesity up at the top of the OECD. They help to contribute to that. It may be seen as a long bow, but the removal of intellectual property rights to the names and brandings of their products from tobacco companies without compensation is wrong, because which international company selling products that are bad for our health will be the next target? The State is effectively seizing their property because it does not like the health effects of their still lawful business. It is still a lawful business.

If a member wants to bring a bill into this House to ban tobacco, that would be an honourable proposition, because it then would be an illegal activity. But successive Governments have reaped massive benefits from excise duty on tobacco products. It is a fundamental tenet of our common law that citizens should not be denied their property rights without just compensation. You would not let it

happen to the neighbour in your street if the local council was just as cavalier with its seizure of some of the property on your front garden. It is a property right. It is a property right.

I know the Opposition does not talk about property rights. This is a parliamentary Opposition that goes to Dotcom's mansion and tells him that if it becomes the Government, he will not be extradited to the US. So it is all very well—[*Interruption*] I know it has hit a raw nerve. The members opposite might have to rush out and have a smoke. I know I have hit a raw nerve.

The House should not do this. The common law is not only the gift of our British forebears but also of Māori, who believe in a country under the rule of law where property is rightfully protected. We will have debates in this Parliament this month, next month, and for the next 10 years about property rights for the indigenous people of this country. The property rights for the indigenous people of this country are the same as the property rights for international companies lawfully trading in a lawful product in this nation. I say again that no one dislikes smoking more than me. I say to the Greens: what about a Supplementary Order Paper to this bill at some stage where you double the price of tobacco over the next 5 years? That will have an effect.

**Kevin Hague:** We're going to propose that.

**Hon JOHN BANKS:** He is going to propose that. Of course, we are waiting for the Aussies—we are waiting for the Aussies. If we really believed that banning advertising on cigarette packets in the local dairy was going to fix the problem of the uptake of smoking with young people—young Māori women, in particular—then why do we not pass it through all its stages tonight?

The point of principle is tough to apply in hard cases. The pain and loss caused by tobacco use is heartbreaking. It is heartbreaking. The pain and loss caused by tobacco is heartbreaking, but this is a battle of the lawyers about freedom of expression. The second principle is that we should protect the freedom of expression of which the names of products, their branding, and their intellectual property are part. If we do not like it, then increase the price of tobacco over the next 5 years by 100 percent, use the money that we raise to buy the property rights of the international tobacco companies, get rid of them for ever, and become smoke-free in 2018. What a good thing that would be. I would support it. I would support it. I note my friend the Attorney-General has not issued a section 7 of the New Zealand Bill of Rights Act report on this bill, so it seems to have been cleared.

Yes, we want New Zealand to be smoke-free. Of course I support the amelioration of harmful tobacco. However, I oppose this bill for the propositions I have outlaid, and I welcome it going to the select committee.

**BARBARA STEWART (NZ First) :** On behalf of New Zealand First, I rise to speak to the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill. This is a very thought-provoking piece of legislation. New Zealand First—[*Interruption*]; I am not a smoker—will be supporting this bill only to go to the Health Committee at this stage. It is important, we believe, to get the views of the submitters on a bill such as this, because it can have unintended consequences, both positive and negative. We know that tobacco is responsible for 6 million deaths globally and annually, and 5,000 deaths in New Zealand, as Iain Lees-Galloway was saying. There is no doubt that in New Zealand First we want to see the smoking rates in our country continue to decline as well, but there are many aspects to look at with this legislation and we are going to be looking at those very closely.

We know for a fact that many smokers purchase quite elaborate containers to put their cigarettes into. Are these containers going to be allowed be sold? Of course they will. So tobacco and the cigarette containers will still look just as good as they always have done, because who wants that horrible eye or mouth in their pockets? Currently, too, we know that retailers have had to spend quite a lot of money to ensure that the tobacco products are not visible in the stores. That is a move that we also support. But we do not want to punish the retailers even further, creating a situation where they have got to have further costs in order to conform to this law. After all is said and done, it is a legal product.

Research in this area is pretty mixed, and it is from relatively small studies. The results are very, very mixed and are not a clear indication. In many of the studies there is an assumption right at the outset of harm reduction—all participants giving support for plain packaging without the evidence to back it up. We know too that the conclusions of the reports are very different depending on who is paying for the actual report to be written. New Zealand would be the second country in the world to approve plain packaging, after Australia, and we are likely to meet the same legal challenges. I know that the *New Zealand Herald* article in December last year outlined it clearly: “New Zealand was also likely to face legal challenges if it followed Australia’s lead, and officials have estimated the cost of a legal dispute as between \$2 million to \$6 million, not including compensation if a case was lost.” So that is something else to consider.

It is also interesting to note that the idea of plain packaging for legal highs was not included in the Psychoactive Substances Bill. Their packaging is very colourful. If plain packaging is effective in reducing the appeal of harmful substances, when are we going to see amendments to how legal highs are actually being sold? And, as Mr Banks pointed out, what about alcohol? What about fast foods? What about sugar products? They are all causing harm to our people, so when are we going to take the next step?

New Zealand First questions whether plain packaging is the best use of money to prevent youth uptake, because preventing uptake should basically be the primary focus for our young people.

On another aspect, we have also been made aware that hundreds of thousands, if not millions, of cigarettes are actually flown into New Zealand at the end of the calendar year to take advantage of the annual 10 percent increase in excise duty. We hear that the number of cigarettes brought into New Zealand in the pre-Christmas period is in excess of 6 months’ worth of normal consumption, so when will this loophole also be closed? We are quite concerned about that.

We want to see some action on smoking. I am not a smoker. I do not particularly approve of smoking myself. We believe that prevention is actually the primary way to go, and we question whether or not this measure is going to get the results that we would like. So we are going to be supporting this bill’s referral to a select committee so that we can get an opportunity to hear the opinions of the submitters. At this stage we have more questions than we have answers, and we are going to be listening for evidence from the submitters, not emotions. We will be looking for real evidence and not prejudice. So at this point in time we will take the first step and then reconsider from there on. Thank you.

**SHANE ARDERN (National—Taranaki - King Country) :** It is a pleasure to rise in support of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill. I have listened to a number of learned speakers, I would have to say, including former health Ministers, the former Labour Minister of Health herself, and the chair of the Health Committee, who is himself a medical doctor and someone who has had a passion for this issue over a long period of time.

I just thought I would share, in the few moments that I am going to take a call for, some personal experience in the fact that both my parents were smokers. My father was a returned serviceman and, of course, he was encouraged by the State, in fact, to take up smoking as a way of settling nerves while he was away from late 1939 to early 1945 in the Second World War. So he was absolutely addicted to tobacco to the day he died, and I have no doubt that it aided in the shortening of his life, along with a lot of other war-related issues. So I personally have always felt that reduction in the use of tobacco, and smoking in particular, was in the best interests of New Zealand health.

I just want to add that since National has come into power, it is something that this Government has been very, very seriously focused on. I have listened to some of the comments wondering why we are not getting on with it a bit quicker and why we are not doing it a bit faster, but I just need to share with you some of the statistics that have come out of the last round of statistics. Between 2006 and 2013 the number of regular smokers dropped from 20.69 percent to 15.11 percent. That is a sharper

reduction, you could argue, than what we have seen historically. In Māori, in particular, there was a drop from 42.2 percent in 2006 to 32.7 percent in 2013. So progress is being made. I have heard the argument put forward tonight that it is not enough and it should be happening quicker. Well, you could argue that on a number of things. I have not heard the Greens argue, for example, that riding bicycles is dangerous because people get killed on them and that you would be better to drive a big car because it would be safer. So there are a lot of silly arguments you could put up. You could argue against the risk involved in certain activities, but at the end of the day we need to see progress in this area, and we clearly are seeing progress in this area.

I would also like to point out that over \$50 million has been made available in programmes by this Government to aid people with all sorts of better quit programmes, if you like, and medical support for that with various nicotine replacement drugs and other such. Overwhelmingly, I think that it is in the best interests of New Zealanders' health and it is in the best interests, particularly, of our indigenous Māori and also Pacific Island people's health. On that note I want to congratulate the Māori Affairs Committee on the work and the report that it did, because it was quite a brave step for the Hon Tau Henare and that committee to take in their recommendations. I suspect that over the next few years a lot of those recommendations will be implemented. Certainly, I acknowledge the work that went on in various international forums around what needed to be done and what is being done in regard to smoking cessation. Thank you.

**Hon PHIL GOFF (Labour—Mt Roskill)** : I agree with some of what the member Shane Ardern, who has just resumed his seat, has said. But it was a curious analogy with bicycles, was it not—that people should not ride bicycles because they would be better off and safer in big cars. I would just like to remind the member that, unlike tobacco, bicycles do not kill 50 percent of the people who use them in the manner in which the manufacturer intends. Tobacco has the unique—

**Iain Lees-Galloway**: Characteristic.

**Hon PHIL GOFF**: —characteristic—thank you—of actually killing the people who use it in the way that it is intended to be used. I have absolutely no time for big tobacco, for its selfish, vested interest reasons, sending the message to this House and saying: “You’ve got no right to control our product.” We have got every right to control that product. They are lucky that we even tolerate the legality of the product, and, frankly, if I thought that prohibition worked, then I would be inclined to support prohibition. But it does not, and this at least is a step in the right direction.

I want to congratulate Barbara Stewart, the New Zealand First contributor to this debate. I know that she was in a very difficult position. I am sure that she had her leader leaning over her shoulder as she delivered that speech. New Zealand First is at least going to support the referral of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill to the Health Committee, and I want to say this. I hope that New Zealand First takes an evidence-based approach—

**Barbara Stewart**: We will.

**Hon PHIL GOFF**: —and Barbara Stewart says that she will—because an evidence-produced response will come up with what the Ministry of Health has found. It said: “Tobacco packaging has been demonstrated to be a highly effective form of tobacco marketing. Research has indicated that current tobacco packaging glamorises smoking, and can mislead consumers as to product safety. Research has shown that the primary role of tobacco packaging is to promote brand appeal, particularly to youth and young adults. With increasing restrictions on tobacco advertising, promotion and sponsorship throughout the world, tobacco packaging has become the tobacco industry’s key marketing tool to attract and retain consumers.”

That is an evidence-based approach. That is why we are supporting this legislation, not because we think that is a silver bullet solution. Together with the other things that have been done, such as increasing the tax and therefore the price of tobacco, such as stopping point-of-sale displays, and such

as the smoke-free environment bills introduced under Labour Governments, we can have a real impact. That is why smoking is declining, as Shane Ardern said—because we have acted.

I want to congratulate Tariana Turia on this bill. I think she deserves credit in moving the National Party from its traditional vested interest support for the tobacco industry.

**Jonathan Young:** Oh!

**Hon PHIL GOFF:** I say that in a rather measured way. It is true, Mr Young. It is true that the National Party opposed every single measure of tobacco control introduced under the last Labour Government. That is a fact, and the members of the National Party from those days should hang their heads in shame about that act. Bill English in the 2002 election campaign promised to reverse the Smoke-free Environments Act if National was elected.

**Iain Lees-Galloway:** What did he do again?

**Hon PHIL GOFF:** Bill English promised to reverse, to repeal the Smoke-free Environments Act if he was elected. No party in this House today would do anything so crazy or would be so irresponsible. Times have changed, and we are finally taking the action that we need to take. I understand where Tariana Turia is coming from, and the Māori Affairs Committee, which did very good work on this, as well. The Māori community has disproportionately been a victim of addiction to tobacco.

In supporting this bill, I am not attacking smokers. Smokers are addicts. Nicotine is an addictive substance. When the tobacco industry has finished promoting the product to get people to use it for the first time, it then sits back and relies on the addictive qualities of tobacco to ensure that those people are hooked in. We should have sympathy and we should provide support for smokers, but we should provide nothing but condemnation for the tobacco industry's outrageous attempts to allow it to continue to promote a product that is a lethal product.

The facts, again, if it is an evidence-based approach, are very clear. Smoking is the single biggest cause of preventable deaths and disease in New Zealand. What is it about that that any New Zealander does not understand? It kills 5,000 people a year, who die directly of smoking-related diseases. It shortens the long-term smoker's life, on average, by as much as 15 years. That is the reason why this House should take every step that it can to reduce the appeal and to stop the promotion in any way of a product that kills our fellow New Zealanders.

I want to add another condemnation. It is a condemnation of not only the tobacco industry but the fellow travellers and the apologists for that industry, who would pretend that they can dictate to this country about what we should do in terms of tobacco promotion. It is a long list: the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, the US-ASEAN Business Council, the US Chamber of Commerce, and the United States Council for International Business. Shame on those groups, which in many other aspects of their work do responsible work, that they should act as apologists for a product that kills people.

They may pretend that the debate is about intellectual property. They may pretend that the debate is about removing barriers to trade. I am a believer in reasonable protection for intellectual property and I am a strong believer that we should remove barriers to trade, but neither argument stacks up to defend the promotion of a product that kills people if used as the manufacturer intends. Neither argument stands up. They are red herrings. Those councils, those vested interest groups, should butt out of our debate. New Zealand, as every country does, must have the sovereign right to legislate and to regulate for the public good.

There is some question about what the Trans-Pacific Partnership might do in regard to this legislation. I want to say that I have got a letter in front of me signed by the Minister of Trade, and he makes the point—and I rely on his assurance and will hold him to it—that our Trans-Pacific Partnership agreement will be based on the trade agreements that I negotiated with China and with ASEAN, which

do not allow companies, corporates, to succeed in suing New Zealand when we regulate or legislate for the public good, whether it be for the environment, for health, or to do the things that are for the well-being of New Zealanders.

I think that the Philip Morris case against the Australian Government is a disgrace. The Australian authorities tell me that they will succeed in that case. We should not lack the courage to confront the vested interests that promote for their own material benefit the peddling of tobacco as a lethal product. We should not be frightened to confront them. We should not be frightened to bring in this legislation on the date that we consider appropriate and to take on those corporates, because we would have the support of the World Health Organization. We would be aligned with the Framework Convention on Tobacco Control. That has been passed internationally by a responsible body, and I do not believe for a moment that another international body, the World Trade Organization, would in the end defend the right of companies to kill people with their products. It just does not stack up. It is not credible.

I support this bill. I commend those with the courage to vote for this bill now, and I urge the Government to bring it into effect as soon as possible so we can stop that last bastion of promotion of a lethal product by the vested interests of big tobacco.

**SCOTT SIMPSON (National—Coromandel) :** It is great pleasure to take a short call on the first reading of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill. It is particularly a pleasure to be speaking in a debate where it looks like we will have near-unanimous support for the introduction of this bill into the House, with the exception of one vote from the ACT Party. Others have spoken eloquently and with passion about the harms and the evils of smoking, and I want to join with them in supporting this legislation tonight. We have heard from a number of speakers that smoking remains the single largest preventable killer in New Zealand society, and what we know also is that cigarettes are killers that travel in packs. We can have an impact in removing the attractiveness of those killer packs by removing the logos, by removing the bright colours, and by making the tobacco companies conform to a style that is going to be unattractive to smokers and users.

It is a pleasure to support this bill. I commend it to the House.

**Mr DEPUTY SPEAKER:** Split call—Clare Curran, 5 minutes.

**CLARE CURRAN (Labour—Dunedin South) :** Three years ago I lost a very good friend to lung cancer. He was not only a good friend; he was a mentor. I miss him. I started smoking when I was 15 years old. I used to smoke Rothmans and some dreadful menthol product before moving on to Camel cigarettes and Marlboros. It took me 20 years to kick that habit after several attempts, and that is not an unusual story. But do you know what? My kids say to me these days: “Mum, how could you ever have put poison in your lungs?”. And it is really quite difficult to answer that question other than to say it was addictive and there were really, really strong marketing campaigns targeted at people like me. That is why we have so many people in our country and in our world who smoke—because of the really clever marketing and because the product is so addictive.

In, I think it was, August 2013, the day that the High Court decision came down in Australia to uphold the world's first plain packaging law—and I know they are not there yet, but that was the date—the then Attorney-General in Australia, Nicola Roxon, and the then Minister for Health, Tanya Plibersek, said: “This is a victory for all those families who have lost someone to tobacco-related illness. No longer when a smoker pulls out a packet of cigarettes will that packet be a mobile billboard.” Those Ministers said that plain packaging was a vital measure “which removes the last way for big tobacco to promote its deadly products. Over the past two decades, more than 24 different studies have backed plain packaging, and now it will finally become a reality.” Well, it is not quite a reality, but it is pretty close and I really am proud of this Parliament tonight for sending this bill to the Health Committee.

I want to say that the argument that is used by big tobacco—the apologists who pretend that this is a debate about intellectual property rights or removing barriers to trade—is wrong and that that has been

proven. The sovereign right of Parliament to make its own laws on matters of public interest should be something that we should all fight for.

I want to refer quickly to a paper called *Packaging Phoney Intellectual Property Claims: How multinational tobacco companies colluded to use trade and intellectual property arguments they knew were phoney to oppose plain packaging and larger health warnings. And how governments fell for their chicanery*. I urge everybody to track down this paper and to read it. The synopsis states: "It shows that the companies decided to fight plain packaging on trade grounds because it provided them a more solid footing than allowing health issues to enter the debate. For this reason, they focused their energies on the Intellectual Property agreements governed by WIPO and the investment protection contained in NAFTA agreements ... Despite being told repeatedly by WIPO—that they had no legal basis for their arguments, that there was no legal basis for any of those arguments, and—that their analysis was flawed, the companies persisted in telling the government—and this was Canada—and the public that plain packaging would be inconsistent with international intellectual property protections. Following the industry's misrepresentation of international trade law, new health ministers in Canada and Australia forsook plain packaging as a tobacco control measure they mistakenly believed to be contrary to their countries' obligations under international trade agreements."

Finally, this battle is moving towards a conclusion. We are seeing it in Australia. We should not be taking notice of big tobacco's argument that this is an intellectual property argument, because it is not. There is no basis in law for that argument. This Parliament should be commended by every New Zealander tonight for sending this bill to a select committee and for seeing it through the House.

**METIRIA TUREI (Co-Leader—Green) :** Kia ora, Mr Deputy Speaker. For every person I love who smokes cigarettes, that cigarette is a direct threat to their life. That cigarette increases their chances of dying of some horrible disease much, much younger than they would otherwise. Tobacco kills people. It is a drug that kills people, but it is a legal drug in this country. And so it is treated quite differently in the law and in policy, and even in people's minds, although that has changed over time, because of its legal status. So it becomes a real issue for policy makers, then, as to how the risk that this drug that kills people should be handled in policy and in law.

I agree with my colleague Kevin Hague, who today stood up and asked what greater significant role does a Government have than to regulate or control industries that kill people. There is no other. So it is really fantastic that this legislation is before the House and that there is so much support for it proceeding. I join with Kevin Hague and with others in congratulating the Associate Minister of Health Minister Turia on her relentless advocacy for this law change and for further law change, and Hone Harawira on bringing to the Māori Affairs Committee the inquiry into tobacco control, which really opened my eyes not just to the personal effects that tobacco has on the people I love but also to the wider issues that affect so many of the Māori community and everybody, and all the people that they love too.

What is most important to me about this legislation is that it controls the industry. This legislation does not punish individuals for what is an addiction. Nicotine is addictive. Some people are able to kick that addiction, and it is great to have supportive services available for those people, but it is an addiction and there are hundreds and hundreds, thousands and thousands, of people who simply cannot kick it. We can continue to punish those individuals for the fact that they have succumbed to a terrible addiction to this drug, or we can also control the industry that makes significant profits from this drug. I am extremely pleased that the Parliament that I am a member of at the moment is making that significant change, because it is about time that we make those who profit from the peddling of this drug that kills people pay some of the consequences.

I watched the industry come to the Māori Affairs Committee and argue that making changes like this in the legalisation would make no difference to the smoking rates of the people whom we love. Actually, the argument by it really was: "We want to keep our branding; we want to keep control of the industry."



If it is the case that the way the packaging on cigarettes looks does not make any difference to people's smoking, then it does not make any difference if it has got the tobacco companies' brand on it either. Frankly, it was a ridiculous argument that they should never have thought they could pursue.

As long as this industry is legal, it does require serious regulation, and it is important for us to hold the industry to account for what it does. We do have controls on advertising and other forms of regulatory control over the industry, but more is needed and this is a great first step. We—the country, the Government, the community—are being threatened by the tobacco industry. We saw in today's paper that there are further threats by the tobacco industry for the consequences of this policy. We are quite right in saying, so be it, bring it on. We are in the job of making good policy for the health and well-being of our country, and none of us make any apologies for that whatsoever. If that causes a cost to an industry that peddles a drug that kills, well then so be it. They bear that cost. They are in that industry. That is a cost that they have to take. Thank you. We support this legislation, the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill.

**PAUL FOSTER-BELL (National) :** It is a pleasure to rise and take a brief call on this latest amendment to the Smoke-free Environments Act, the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, which brings about plain packaging for tobacco in New Zealand. It is of note that this is the latest of a number of measures that this Government has introduced in order to reduce the smoking rates in New Zealand, such as banning smoking in New Zealand prisons. Those are environments where people are tightly confined and often cannot get away from the residual smoke exuded by other people. So I think that that was a very positive measure. The measures around restricting the display of tobacco in convenience stores, supermarkets, and the other places in which it is sold were also positive measures. This latest measure joins that long line of measures that will have a real effect in reducing the rate of smoking.

As previous Government speakers have noted, the rate of smoking in New Zealand has reduced significantly between the 2006 census and last year's census in 2013. So the wider population rates have dropped from nearly 21 percent prevalence in 2006 to just over 15 percent. That is a 25 percent reduction in the smoking rate among the wider population. More significant is that among the Māori population there has been a massive drop from 42 percent to 32.7 percent. So I endorse this measure and I commend this bill for further consideration.

**The ASSISTANT SPEAKER (Lindsay Tisch):** Members, this debate has concluded. The question is that the motion be agreed to.

**Hon John Banks:** A vote called for.

**The ASSISTANT SPEAKER (Lindsay Tisch):** Sorry, was the member wishing to say something?

**Hon John Banks:** Party vote.

**The ASSISTANT SPEAKER (Lindsay Tisch):** Well, we have not got that far yet—

**Hon John Banks:** I'm just giving you fair warning.

**The ASSISTANT SPEAKER (Lindsay Tisch):** Yes, well, OK. When I do call for the vote, I am sure that the member will respond. The question is that the motion be agreed to. Those who are of that opinion will say Aye, to the contrary, No.

**Hon John Banks:** Mr Speaker—

**The ASSISTANT SPEAKER (Lindsay Tisch):** The Ayes have it.

**Hon John Banks:** Mr Speaker—

**The ASSISTANT SPEAKER (Lindsay Tisch):** You call out "Party vote required." That is the wording.

**Hon John Banks:** I'm a new member.

**The ASSISTANT SPEAKER (Lindsay Tisch):** You are a new member?

**Hon John Banks:** Yes.

**The ASSISTANT SPEAKER (Lindsay Tisch):** You want a party vote?

**Hon John Banks:** Of course—that's why I came down,

**The ASSISTANT SPEAKER (Lindsay Tisch):** Well, you ask for one. A party vote has been requested. [*Interruption*] Order! Votes are taken in silence.

A party vote was called for on the question, *That the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill be now read a first time.*

**Ayes 118** New Zealand National 59; New Zealand Labour 34;  
Green Party 12; New Zealand First 7; Māori Party 3;  
Mana 1; United Future 1; Independent: Horan.

**Noes 1** ACT New Zealand 1.

Bill read a first time.

- Bill referred to the Health Committee.



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