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18 October 2024

Cam Slater

By email: [fyi-request-28306-d39b95cd@requests.fyi.org.nz](mailto:fyi-request-28306-d39b95cd@requests.fyi.org.nz)  
Ref: H2024050899

Tēnā koe Cam

### **Response to your request for official information**

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 5 September 2024 for information regarding the briefing *H2023029282 Smokefree Regulations: Further advice on new vaping measures*.

On 3 October 2024, you received a partial response from the Ministry to your request. Please find below a response to the remaining part of your request.

*All documents, emails, aide memoire, minutes, meeting notes that were used in the preparation and support of H2023029282. In particular the information, documents, emails, minutes and/or meeting notes received from Crown Law, MFAT and MBIE in relation to H2023029282.*

The Ministry has identified eight documents in scope of your request. Two documents are itemised in Appendix 1 and copies of the documents are enclosed. Where information is withheld under section 9 of the Act, I have considered the countervailing public interest in release when making this decision and consider that it does not outweigh the need to withhold at this time.

Please note, the remaining six emails and associated attachments are withheld in full under section 9(2)(h) of the Act, to maintain legal professional privilege.

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

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

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

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Jane Chambers', is positioned above the printed name.

Jane Chambers  
**Group Manager, Public Health Policy and Regulation**  
**Public Health Agency | Te Pou Hauora Tūmatanui**

## Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1	18-19 July 2023	Email correspondence: Batteries briefing	Some information withheld under the following sections of the Act: <ul style="list-style-type: none"><li>• 9(2)(a) - to protect the privacy of natural persons; and</li><li>• 9(2)(h)</li></ul>
2	26 July 2023	Email correspondence: Briefing to AO	Some information withheld under section 9(2)(a) of the Act.

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**From:** Ross Bell  
**Sent:** Wednesday, 19 July 2023 4:16 pm  
**To:** Emily Revell; Emma Hindson; Sally Stewart  
**Subject:** FW: Batteries briefing  
**Attachments:** HR Batteries 190723 - SW tweaks.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi team

As per "advice" from DG Advisory, I asked Steve Waldegrave to provide some feedback, attached.

Cheers  
Ross

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**From:** Steve Waldegrave <Steve.Waldegrave@health.govt.nz>  
**Sent:** Wednesday, 19 July 2023 4:12 pm  
**To:** Ross Bell <Ross.Bell@health.govt.nz>  
**Subject:** RE: Batteries briefing

Kia ora Ross,

Thanks for this – overall my quick skim would conclude the following:

1. The problem definition and analysis is pretty good
2. A few tonal issues – need to avoid sounding too much like we're requiring certain actions of the Minister – it's all about supporting her informed decision-making and recommending things instead – you'll see the odd spot where I've highlighted examples of this
3. The actual options need a bit more fleshing out – in particular the preferred option is unclear in terms of how long the pause would be for and what it would take to resume, and over what timeframe we'd report back on that.

Hope that's some use – happy to take another look if useful

Cheers

Steve

**Steve Waldegrave**  
Associate DDG  
Strategy, Policy and Legislation  
S9(2)(a)  
[steve.waldegrave@health.govt.nz](mailto:steve.waldegrave@health.govt.nz)  
Manatū Hauora, 133 Molesworth Street  
Thorndon, Wellington 6011





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**From:** Ross Bell <[Ross.Bell@health.govt.nz](mailto:Ross.Bell@health.govt.nz)>  
**Sent:** Wednesday, 19 July 2023 2:44 pm  
**To:** Steve Waldegrave <[Steve.Waldegrave@health.govt.nz](mailto:Steve.Waldegrave@health.govt.nz)>  
**Subject:** FW: Batteries briefing

Sir

As mentioned briefly this morning, this is the paper where we would welcome some of your wise advice.

Ngā mihi  
Ross

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**From:** Emily Revell <[Emily.Revell@health.govt.nz](mailto:Emily.Revell@health.govt.nz)>  
**Sent:** Wednesday, 19 July 2023 1:42 pm  
**To:** Phil Knipe <[Phil.Knipe@health.govt.nz](mailto:Phil.Knipe@health.govt.nz)>  
**Cc:** Emma Hindson <[Emma.Hindson@health.govt.nz](mailto:Emma.Hindson@health.govt.nz)>; Matt Burgess <[Matthew.Burgess@health.govt.nz](mailto:Matthew.Burgess@health.govt.nz)>; Public Health Agency ODDG <[PHA-ODDG@health.govt.nz](mailto:PHA-ODDG@health.govt.nz)>; Charmaine Satchy <[Charmaine.Satchy@health.govt.nz](mailto:Charmaine.Satchy@health.govt.nz)>; Jane Hubbard <[Jane.Hubbard@health.govt.nz](mailto:Jane.Hubbard@health.govt.nz)>; Jane Chambers <[Jane.Chambers@health.govt.nz](mailto:Jane.Chambers@health.govt.nz)>; Carolyn Shivanandan <[Carolyn.Shivanandan@health.govt.nz](mailto:Carolyn.Shivanandan@health.govt.nz)>; Sally Stewart <[sally.stewart@health.govt.nz](mailto:sally.stewart@health.govt.nz)>; Ross Bell <[Ross.Bell@health.govt.nz](mailto:Ross.Bell@health.govt.nz)>  
**Subject:** RE: Batteries briefing

Kia ora Phil

The HR is now clear of tracked changes and comments (attached) so if you are happy S9(2)(h) We will also send this version back to MFAT.

Emily

**Emily Revell** (she/her)  
Principal Advisor  
Public Health Policy and Regulation  
S9(2)(a)  
[Emily.Revell@health.govt.nz](mailto:Emily.Revell@health.govt.nz)

Public Health Agency | Te Pou Hauora Tūmatanui  
Manatū Hauora, 133 Molesworth Street  
Thorndon, Wellington 2011



S9(2)(h)

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**From:** Ross Bell <[Ross.Bell@health.govt.nz](mailto:Ross.Bell@health.govt.nz)>  
**Sent:** Wednesday, 19 July 2023 8:53 am  
**To:** Sally Stewart <[sally.stewart@health.govt.nz](mailto:sally.stewart@health.govt.nz)>; Carolyn Shivanandan <[Carolyn.Shivanandan@health.govt.nz](mailto:Carolyn.Shivanandan@health.govt.nz)>; Jane Chambers <[Jane.Chambers@health.govt.nz](mailto:Jane.Chambers@health.govt.nz)>; Jane Hubbard <[Jane.Hubbard@health.govt.nz](mailto:Jane.Hubbard@health.govt.nz)>; Phil Knipe <[Phil.Knipe@health.govt.nz](mailto:Phil.Knipe@health.govt.nz)>  
**Cc:** Emma Hindson <[Emma.Hindson@health.govt.nz](mailto:Emma.Hindson@health.govt.nz)>; Matt Burgess <[Matthew.Burgess@health.govt.nz](mailto:Matthew.Burgess@health.govt.nz)>; Emily Revell <[Emily.Revell@health.govt.nz](mailto:Emily.Revell@health.govt.nz)>; Public Health Agency ODDG <[PHA-ODDG@health.govt.nz](mailto:PHA-ODDG@health.govt.nz)>  
**Subject:** RE: Batteries briefing  
**Importance:** High

Thanks all

I'm reading it as we go.

I'm keen to update DG's office, so:

S9(2)(h)

3. What's a possible timeframe to provide a final to DGA?

Thanks  
Ross

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**From:** Sally Stewart <[sally.stewart@health.govt.nz](mailto:sally.stewart@health.govt.nz)>  
**Sent:** Wednesday, 19 July 2023 8:48 am  
**To:** Carolyn Shivanandan <[Carolyn.Shivanandan@health.govt.nz](mailto:Carolyn.Shivanandan@health.govt.nz)>; Jane Chambers <[Jane.Chambers@health.govt.nz](mailto:Jane.Chambers@health.govt.nz)>; Ross Bell <[Ross.Bell@health.govt.nz](mailto:Ross.Bell@health.govt.nz)>; Jane Hubbard <[Jane.Hubbard@health.govt.nz](mailto:Jane.Hubbard@health.govt.nz)>; Phil Knipe <[Phil.Knipe@health.govt.nz](mailto:Phil.Knipe@health.govt.nz)>  
**Cc:** Emma Hindson <[Emma.Hindson@health.govt.nz](mailto:Emma.Hindson@health.govt.nz)>; Matt Burgess <[Matthew.Burgess@health.govt.nz](mailto:Matthew.Burgess@health.govt.nz)>; Emily

**Document 1**

Revell <[Emily.Revell@health.govt.nz](mailto:Emily.Revell@health.govt.nz)>; Public Health Agency ODDG <[PHA-ODDG@health.govt.nz](mailto:PHA-ODDG@health.govt.nz)>  
Subject: RE: Batteries briefing

I have done quite a bit of tinkering – it will need review by those who are better across the detail to ensure I haven't messed anything up.

I'll have another review for 'tone' when it's tidy

Ngā mihi  
Sally

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**From:** Carolyn Shivanandan <[Carolyn.Shivanandan@health.govt.nz](mailto:Carolyn.Shivanandan@health.govt.nz)>  
**Sent:** Tuesday, 18 July 2023 5:03 pm  
**To:** Jane Chambers <[Jane.Chambers@health.govt.nz](mailto:Jane.Chambers@health.govt.nz)>; Ross Bell <[Ross.Bell@health.govt.nz](mailto:Ross.Bell@health.govt.nz)>; Jane Hubbard <[Jane.Hubbard@health.govt.nz](mailto:Jane.Hubbard@health.govt.nz)>; Phil Knipe <[Phil.Knipe@health.govt.nz](mailto:Phil.Knipe@health.govt.nz)>; Sally Stewart <[sally.stewart@health.govt.nz](mailto:sally.stewart@health.govt.nz)>  
**Cc:** Emma Hindson <[Emma.Hindson@health.govt.nz](mailto:Emma.Hindson@health.govt.nz)>; Matt Burgess <[Matthew.Burgess@health.govt.nz](mailto:Matthew.Burgess@health.govt.nz)>; Emily Revell <[Emily.Revell@health.govt.nz](mailto:Emily.Revell@health.govt.nz)>; Public Health Agency ODDG <[PHA-ODDG@health.govt.nz](mailto:PHA-ODDG@health.govt.nz)>  
**Subject:** Batteries briefing  
**Importance:** High

Hi all,

Please see the below link to the draft health report on vape product batteries. In the interests of time, I am forwarding this to you all at once for feedback.

 [HR Batteries 190723.docx](#)

This health report will need to go to the Ministers office tomorrow, so please provide your feedback when you can. I will circulate the green sheet separately.

Thanks,  
Carolyn

**Carolyn Shivanandan** (she/her)  
Principal Advisor / Compliance Lead  
Public Health Policy and Regulation  
S9(2)(a)  
[Carolyn.Shivanandan@health.govt.nz](mailto:Carolyn.Shivanandan@health.govt.nz)

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Thorndon, Wellington 6011



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**From:** Dawn Kelly  
**Sent:** Wednesday, 26 July 2023 3:32 pm  
**To:** Public Health Agency ODDG  
**Cc:** Emily Revell; Sally Stewart; Fi Campbell  
**Subject:** Briefing to AO

Hi Brookyn

Sorry we have interrupted proper process but this has been fast moving today. Andrew is now reviewing the following paper and we will be seeking his eSig today to go to Min V this afternoon. It won't be going for DG sign off as he has been delegated by the DG to sign this out.

**Details:**

Smokefree Regulations: Further advice on new vaping measures  
H2023029282  
Due to DDG today, MO today

**Dawn Kelly**

Chief Advisor | Kaitohutohu Matua  
Office of the Deputy Director-General  
Public Health Agency | Te Pou Hauora Tūmatanui  
S9(2)(a)



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