

Hon Casey Costello

Minister of Customs
Minister for Seniors
Associate Minister of Health
Associate Minister of Immigration
Associate Minister of Police



29 November 2024

OIA-277

P Robins
fyi-request-29032-9fa191ba@requests.fyi.org.nz

Dear P Robins

I acknowledge your Official Information Act 1982 (the Act) request on 3 November 2024, where you requested:

"I request all text messages, emails, or other electronic messages (via apps including but not limited to Signal, WhatsApp, Telegram, and Slack) that mention RNZ journalist Guyon Espiner in 2024.

To clarify and reduce the administrative burden of gathering this information, your search should only include the journalist's first name, last name, or full name.

For clarification the request is relevant to all text messages, emails or other electronic messages sent or received by you or staff in your office employed by Ministerial Services. It should not include emails received by your public parliamentary email address."

I have interpreted your request not to include electronic messages to and from Guyon Espiner himself.

The information you have requested is attached to this letter. Some information has been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons. Where information is withheld under section 9 of the Act, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

You have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or by freephone at 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line that tapers to the right.

Hon Casey Costello
Associate Minister of Health

Travis Ancelet

From: Melissa Turner
Sent: Monday, 30 September 2024 9:10 AM
To: Richard Ninness; Jade Paul; Travis Ancelet; Elizabeth Nickel
Subject: FW: Finding Casey Costello's "smoking gun"



Melissa Turner | Senior Private Secretary | Office of Hon Casey Costello

Minister of Customs | Minister for Seniors
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From: Bryce Edwards <democracyproject+political-roundup@substack.com>
Sent: Saturday, September 28, 2024 3:33 PM
To: Melissa Turner <Melissa.Turner@parliament.govt.nz>
Subject: Finding Casey Costello's "smoking gun"

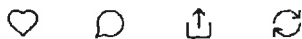
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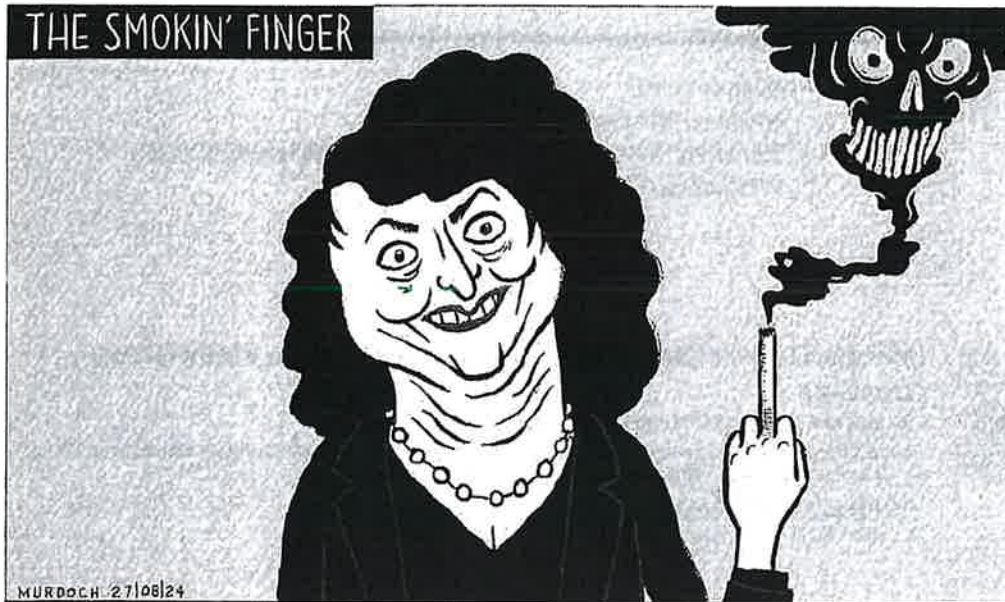
Finding Casey Costello's "smoking gun"

BRYCE EDWARDS

SEP 28



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Murdoch - The Post 28 August 2024

People still want to know why the new Government has changed laws around tobacco and smoking. In particular, the big question is about what has motivated the changes. Do government ministers genuinely believe that the previous rules were wrong, or are they just pandering to “Big Tobacco”?

On the one hand, Associate Health Minister Casey Costello and the Government say that her reforms are based on evidence and long-held policy stances – especially of her own party, NZ First. On the other hand, there’s a strong belief amongst critics that various tobacco and nicotine reforms have been undertaken to help the tobacco industry and its corporate lobbyists. Neither side has been entirely successful in winning the argument yet. And this week, the debate resurfaced.

Costello faces her critics on links to Big Tobacco

Public health experts have come to refer to the Associate Minister of Health as the “Cancer Minister”. Their hostility towards the Minister is possibly greater than any other sector group opposing the current government. And that’s saying a lot.

Yet Costello agreed to answer these critics in a forum in Wellington on Tuesday organised by Health Coalition Aotearoa. As the Listener’s Greg Dixon says, the Minister couldn’t be accused of hiding from her critics: “Whatever else Associate Health Minister Casey Costello is lacking... it is not courage. The controversial

MP's decision to front angry public health experts at a forum organised by Health Coalition Aotearoa this week was pretty ballsy."

RNZ reported on the meeting, saying that Costello "met a fiery reception from angry doctors" and faced heckling from the audience as she spoke. The chair of Health Coalition Aotearoa, Boyd Swinburn, said, "I haven't seen the tension between the public health sector and the Government so high."

He also questioned Costello about where her evidence informing tobacco reforms had come from, asserting that "This is really the tobacco industry pulling the strings of tobacco law in this country". Similarly, Auckland University's population health expert Chris Bullen claimed that "the tobacco industry is being called on for advice" from the Government.

According to the reporting of the Herald's Adam Pearce, "Costello frowned and shook her head" to such allegations. She responded, saying "There has been no association with the tobacco industry, and that has not been where I have gone to for advice". She blamed "media noise" for such "misconceptions" about her links to tobacco companies.

Pearce also reported that "one of Costello's staffers in the crowd told moderator and HCA co-chairman Boyd Swinburn that Cabinet decided Government policy, not individual parties." And after the meeting, she told Pearce that she "had a dim view of their inquiries regarding her links to the tobacco industry", saying: "I think that was very unhelpful to their objectives."

Costello was upfront to the health audience that she was out of sync with them on repealing the last government's smokefree generation policy, but she argued that she had the same goal as them – about reducing smoking in New Zealand: "I appreciate that our pathway forward has not been consistent with the direction you wanted to take but I can assure you our goal is common and our determination is equal."

Part of her argument is that putting prohibitions on tobacco or forcing the price of cigarettes up can have the unintended consequence of creating a black market, which is even worse. In this regard, Felix Desmarais of 1News reported that Costello claimed that living in South Auckland had given her "a pretty good idea about the illicit tobacco market", and she "could take you to the shops that provide illicit tobacco".

However, Costello couldn't name any such stores and admitted that although she had told officials about them, she hadn't reported them to the police. She explained: "I went back and it wasn't there anymore so that was from a constituent who told me it was there but I went back and it wasn't there anymore."

Commenting on this, the Listener's Greg Dixon says: "It turned out she had not reported the shop to police — weird for an ex-cop, wouldn't you say? — and was unable to name the shop, which had, somewhat conveniently, now disappeared."

The Role of the "Mystery Dossier"

Journalists and academic researchers have attempted to find evidence that the Government's reforms have been motivated by some connection with the tobacco companies. And there are plenty of such connections to point to – such as the fact that two former NZ First senior staffers (David Broome and Apirana Dawson) now work as lobbyists for the Philip Morris tobacco company, one of which is still extremely close to NZ First politicians.

Yet the real "smoking gun" for critics was the discovery of a "mystery document" that Costello passed onto her Health officials to guide them in coming up with the new smoking reforms. This was leaked to RNZ journalist Guyon Espiner earlier in the year. This document was a compilation of various papers and arguments in favour of the liberalisation of the rules.

According to critics, the dossier was researched, written, and compiled by tobacco lobbyists. It certainly put forward all the tobacco industry's policy proposals, such as lower tax rates for tobacco products and a repeal of Labour's smoke-free generation legislation. It also repeated several tobacco lobbyist talking points, such as Labour's smoke-free policies being "nanny state nonsense" and the argument that "nicotine is as harmful as caffeine".

The leak of the document led Espiner, as well as Otago University health researcher Janet Hoek, to make an Official Information Act request for the document. Costello initially denied the document existed at all. She then refused to release it, erroneously citing a clause in the OIA protecting confidential advice tendered by ministers and officials. Eventually, she was forced to provide the document (albeit heavily redacted).

More interestingly, Costello has refused to name who wrote or compiled the dossier. She says it arrived on her desk on 6 December last year, and her staff have all denied that they had anything to do with placing it there or knowing who was involved. Costello later told the Chief Ombudsman that “the likely source was a political party staffer or volunteer”.

Despite not knowing who wrote the document or how it had come to be in her office, the Minister then forwarded copies to Ministry of Health officials to help steer their guidance in the policy process. From then on, the document became an official part of the decision-making process.

Costello had also told the Chief Ombudsman, who has been investigating the mystery document, that “she believed the notes were created by copying and pasting from a variety of sources over a significant period of time before the coalition government was formed”. But this week, RNZ’s Guyon Espiner says this is incorrect, as his un-redacted version “contains excerpts from the coalition agreement – so the document was clearly finished after the government was formed.”

Costello reprimanded by the Chief Ombudsman (again)

The mystery dossier has caused Costello continued anguish. In July, she was forced to release it by Chief Ombudsman Peter Boshier, who had been brought in to mediate the issue. He strongly reprimanded the Minister for trying to keep the document secret and said her actions in withholding the information were “unreasonable and contrary to law”.

Boshier then carried out an investigation, which he released this week, stating he is “concerned the associate minister was unable to produce any records about the provenance of the notes” and has “taken the rare step of notifying the chief archivist about the record keeping issues in this case”. It is not yet clear what the notification of the chief archivist will mean in practice. Under the Public Records Act, they are officially tasked with ensuring that governments carry out their legal duties in record keeping. In theory, the chief archivist can investigate to determine if Costello has breached the Public Records Act, which means that penalties can be imposed on the Minister.

Regardless, Costello has been told to fix up her record-keeping “failures” and “deficiencies”. She also has to answer why she redacted so much of the dossier

when she released it under the OIA. This is because she now claims that “the likely source was a political party staffer or volunteer”, and yet, in redacting the document, she cites a clause of the OIA that protects the “confidentiality of advice tendered by ministers of the Crown and officials” – which is clearly not the case.

Costello’s pro-vaping policies

In addressing the Health Coalition Aotearoa conference, Casey Costello declared that she was anti-smoking but “not necessarily anti-nicotine”. From her point of view, vaping is a very valuable tool for helping people cease smoking. Critics say, however, that vaping has just become another nicotine product for the tobacco industry to profit from, and that New Zealand requires much more stringent regulation of the sector.

Costello is currently changing the rules on vaping, having recently introduced the Smokefree Environments and Regulated Products Amendment Bill 2024, which is being considered in a parliamentary select committee. It’s stated goal is to crack down on youth vaping. According to a report in the Post this week, the bill “includes a ban on disposable vapes, increased fines for selling to under 18s, visibility restrictions on retailers and a requirement for new retailers to be at least 100m away from early childhood centres.”

However, critics such as Vape Free Kids New Zealand argue that the bill will do little, because it fails to properly regulate all the specialist vape shops, which are popping up everywhere, but especially in low socio-economic areas. The industry is highly-lucrative – the most recent sales report, from 2022, showed retail profits were about \$29 million a year. But there’s been an explosion of stores – now at about 7000 through the country.

According to the Asthma and Respiratory Foundation, there needs to be a cap placed on the number of stores allowed. Their chief executive Letitia Harding told the Post that vaping had become a “massive problem with youth” who were never smokers. She explained: “It wasn’t cool to be smoking and unfortunately vaping filled that hole and obviously had a huge uptake among our kids. So that whole harm reduction argument we don’t really buy at all here”.

Journalist Mike Yardley is one of the long-time smokers who has shifted over to vaping, and is still using the products 15 years later. He wrote this week that there is a huge problem with the way vaping is marketed to youth:

“even though vaping has become habitual for me, I have a huge problem with its glamorised hold on young people who have never smoked in their lives. Its principal purpose as a smoking cessation product has been perverted. For quite some years, I have been convinced that the insidious bright lights and flashy store displays of vape stores should be confronted head-on. The obvious solution is the nuclear option - disestablish the free and easy retail settings and restrict vapes as a pharmacy-only product. Frankly, it’s a less punitive option than making vapes prescription-only, which has also been floated.”

The pharmacy-only rule has just been introduced in Australia – along with other stringent rules – such as outlawing “lollified flavours”. Yardley says this is the way that New Zealand should also be going, but instead he says that Costello’s bill is “Weak as water... a half-hearted, mealy-mouthed sop.” He explains that the Minister “is simply tinkering. Her legislation is a classic case of being seen to be doing something, when the impact will inevitably be negligible.”

The need for transparency

New Zealand has clearly lost its world-leading approach to dealing with tobacco and nicotine. And although the numbers smoking cigarettes is declining, it’s not clear that its now declining as fast as it should be. There are other setbacks. For example, although the supermarket giant Woolworths committed last year to cease retailing cigarettes from 1 July 2024, this hasn’t occurred. The supermarket has explained the U-turn with reference to the Government’s dropping of stricter smoking laws.

In examining all of the facts involved in the tobacco sector, it’s hard to escape the conclusion that the new Government is simply following the dictates of the companies, and that the new Minister is part of this. Boyd Swinburn has said in this regard: “There are a number of really close dots between her and her party and Philip Morris, so it doesn’t take a lot of imagination to see how the documents and the policies of the tobacco industry have flowed through”.

Yet, there’s still no absolute “smoking gun” to prove any of this. Of course, this is how corporate influence works – it’s carried out behind the scenes, with an

attempt to avoid any publicity. And in New Zealand there are very few regulations to ensure that the public can find out about what influences government decision-making. Therefore, we shouldn't be surprised that no smoking gun has yet emerged to prove definitively that the government changes related to the influence of tobacco lobbyists.

The public therefore needs to demand more transparency on all such reforms. RNZ's Alexia Russell said this week: "In making changes that line up with tobacco industry lobbying, Associate Health Minister Casey Costello ought to be transparent. But she's not."

She interviewed Guyon Espiner on this, and he said: "when you lay out the facts... they are the facts... Which is part of the reason that it's been driving me to keep on turning the stones on this". But he also stated that because of this, Costello will no longer agree to an interview" with him.

Of course, that's the Minister's right. And it's also the right of her government to make any changes that they see fit to the regulation of tobacco and nicotine products. But in the end, if they're not willing to be transparent – especially when it looks like they are following the dictates of industry – then the public would be quite wise not to believe any such claims of integrity.

Dr Bryce Edwards

Political Analyst in Residence, Director of the Democracy Project, School of Government, Victoria University of Wellington

Key Sources

Felix Desmarais (1News): Govt anti-smoking but 'not necessarily anti-nicotine' – associate minister

Greg Dixon (Listener): The ghostly new strategy for road repairs (paywalled)

Guyon Espiner (RNZ): Chief Ombudsman criticises Costello over withholding tobacco documents

Laura Frykberg (Post): New anti-vaping bill won't stop speciality retailers that 'pop up' in cities like Wellington, advocates say (paywalled)

Krystal Gibbens (RNZ): Casey Costello under fire on links to tobacco industry, says govt still committed to Smokefree 2025

John Lewis (ODT): Costello's department criticised for 'failures' (paywalled)

Glenn McConnell (Stuff): Doctors claim NZ First links to big tobacco during heated meeting with Minister

Adam Pearse (Herald): Health experts grill Casey Costello, throw doubt on Smokefree 2025 being achieved

Alexia Russell (RNZ): The lobbyists, the Minister, and the mystery document

Rob Stock (Post): Woolworths U-turns on plan to stop selling cigarettes (paywalled)

Janet Wilson (Post): Shining a light on smokefree policy reveals troubling behaviour (paywalled)

Mike Yardley (Press/Post): Bill does nothing about vaping's hold on youngsters who have never smoked (paywalled)

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Travis Ancelet

From: Travis Ancelet
Sent: Tuesday, 24 September 2024 2:18 PM
To: Tina Tunui
Cc: Jade Paul
Subject: Re: Outstanding OIA material

Thanks Tina. I'll go back to Guyon.

From: Tina Tunui <Tina.Tunui@parliament.govt.nz>
Sent: Tuesday, September 24, 2024 2:04:10 PM
To: Travis Ancelet <Travis.Ancelet@parliament.govt.nz>
Cc: Jade Paul <Jade.Paul@parliament.govt.nz>
Subject: FW: Outstanding OIA material

Hi Travis,

Dan just told me that you followed up with the Ministry on this this morning. Just wondering if I should I send Guyon some sort of acknowledgment?

Thank you

Tina Tunui
Health Private Secretary | Office of Hon Casey Costello
s 9(2)(a) E: Tina.Tunui@parliament.govt.nz

From: Guyon Espiner <Guyon.Espiner@rnz.co.nz>
Sent: Tuesday, September 24, 2024 1:52 PM
To: Tina Tunui <Tina.Tunui@parliament.govt.nz>
Cc: Travis Ancelet <Travis.Ancelet@parliament.govt.nz>
Subject: Outstanding OIA material

Kia ora,

In relation to the OIA request CCHOIA-104 there is outstanding material yet to be released

Could you please tell me

- When you can release the document *Tax Only Smoked Products: Budget 2024 New Spending Template*
- And when you can release "the final version of all substantive documents attached to emails" which the Minister's response to me (dated 5 September) said would be "proactively released" shortly.

It would be good to get these documents as soon as you are able to release them and to get a sense of when that might be.

Thanks so much

Guyon Espiner
s 9(2)(a)

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Travis Ancelet

From: Jade Paul
Sent: Friday, 6 September 2024 2:12 PM
To: Travis Ancelet
Subject: This week

Hi Travis

Out of scope




- Out of scope



- OIA's 104,105,109 went out. I checked the 104 with Richard as it is for Guyon and ya know.....

- Out of scope



Pretty sure everything else has been sorted

Cheers

J



Jade Paul | Ministerial Advisor | Office of Hon Casey Costello

Minister of Customs | Minister for Seniors

Associate Minister of Immigration | Associate Minister of Health | Associate Minister of Police

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Travis Ancelet

From: Melissa Turner
Sent: Wednesday, 28 August 2024 8:45 AM
To: Richard Ninness; Travis Ancelet; Jade Paul
Subject: FW: Is Casey Costello fit to be a minister?



Melissa Turner | Senior Private Secretary | Office of Hon Casey Costello

Minister of Customs | Minister for Seniors
Associate Minister of Immigration | Associate Minister of Health | Associate Minister of Police
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From: Bryce Edwards <democracyproject+political-roundup@substack.com>
Sent: Tuesday, August 27, 2024 5:29 PM
To: Melissa Turner <Melissa.Turner@parliament.govt.nz>
Subject: Is Casey Costello fit to be a minister?

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Is Casey Costello fit to be a minister?

BRYCE EDWARDS

AUG 27



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Cabinet Minister Casey Costello's behaviour in the Smoking portfolio is highly questionable, and her links to tobacco lobbying require further explanation. So far, anyone following her handling of tobacco issues might be inclined to metaphorically file the story under the category of "Weird" (which has become the common term after being used so much in the US presidential election campaign).

More critical observers will likely file Costello's ministerial career under the label of "Incompetent" or even "Corrupt". One way or another, it doesn't look like Casey Costello is fit to be a Minister of the Crown. And her continuation in the role will likely tarnish Christopher Luxon's administration over the next two years.

New material pointing to the influence of lobbyists on the Government

One of the Coalition Government's most controversial reforms since coming into office has been its tobacco and smokefree rollbacks. Under the authority of Associate Health Minister Casey Costello the Government has abolished the previous Labour Government's recent Smokefree reforms, and then reduced taxes on heated tobacco products by half. The radicalism of these rollbacks was largely unsignalled before the parties came to power, and it's all been carried out without the usual transparency.

Observers, journalists, and anti-smoking campaigners have therefore sought to uncover the relevant decision-making process to see what influenced these big

changes. One secret document in particular, appears to have swayed the reform programme, essentially becoming Government policy.

Although only released this week under the Official Information Act, the document appears to have been written and provided to the Minister by tobacco lobbyists. On receiving the document, Costello has treated it as official advice while also attempting to keep it out of the public's eye.

The document makes the arguments for deregulating tobacco products. It makes the case against the existing rules because it claims "nicotine is as harmful as caffeine" and describes Labour's smokefree legislation as "nanny state nonsense" and "ideological nonsense that no other country had been stupid enough to implement." It also advocates the policy reforms that Costello then implemented.

That the influential tobacco document might have been written by a tobacco lobbyist and passed on to Costello is hardly surprising. The Minister and her NZ First party have many links to such lobbyists. For example, tobacco giant Philip Morris' top lobbyist, David Broome, was the party's chief of staff between 2014 and 2017. Apirana Dawson, who worked in Parliament and managed New Zealand First's election campaigns in 2014 and 2017, also now lobbies for Philip Morris. Dawson is still close to Shane Jones, who says he uses him for advice on developing policies.

The Story of the mysterious lobbying briefing on tobacco

Casey Costello says the influential lobbying document came into her office on 6 December last year. She recently stated that she doesn't know how it got into her office or who had written it. She later explained to the Ombudsman's Office: "a hard copy of the document had been placed on my desk and... I did not receive the document through any other correspondence".

Costello, a former detective, says she later investigated what her office staff knew about the document's origins. As a result of this investigation, she "confirmed with all members of my office that none of them placed the notes on my desk". Likewise, she says she "enquired with staff in my office about whether they knew who had authored the document and they advised that they did not".

Despite not knowing who wrote the document or how it had come to be in her office, the Minister then forwarded copies of it to Ministry of Health officials, to help steer their guidance in the policy process. From this point the document became an official part of the decision-making process.

Public information on the advice document

Also in December, RNZ's investigative journalist Guyon Espiner made a request to Costello under the Official Information Act (OIA), asking for "all documents relating to tobacco and vaping policy". Espiner had already been leaked the lobbying document, and it seems he was seeking to get an official version to report on.

However, Costello refused his request and provided no information at all. This was also followed in February by Costello answering a question in Parliament about the document, to which she replied: "There was no specific document written. A range of information was provided to officials, including material like Hansard reports, the Coalition Agreement and previous NZ First policy positions."

The Chief Ombudsman then investigated, finding that Costello had no reason to withhold the document, saying her actions were "unreasonable and contrary to law". Not only did he force her to release the documents, the Ombudsman took the rare step of making her apologise to RNZ. He also complained that Costello had failed to supply his office with the necessary information that he had requested to carry out the investigation.

Document released to RNZ but redacted

Yesterday, Guyon Espiner published the news that Costello had finally released the contentious lobbying document to RNZ. Amazingly, her office had also redacted significant elements of it.

However, because Espiner had a copy of the leaked version, he could point to what Costello had chosen to redact. He says Costello's office redacted "all the material pushing for tobacco tax cuts and the claims that nicotine is no more harmful than caffeine and that the last government's policy was 'nanny state nonsense'."

As to why these elements were censored, Costello cited that the OIA allows her to protect the "confidentiality of advice tendered by Ministers of the Crown and

officials”. But she wouldn’t answer Espiner’s questions about “how she could use this clause if she did not know who wrote the document” and “why she would give a document to officials without knowing its origin”.

Presumably, Espiner will appeal to the Ombudsman about the redactions. And, likely, Costello will once again be reprimanded.

Further evidence of tobacco lobbyists’ influence on the Government

Espiner has also uncovered a further secret lobbying document that illuminates tobacco companies’ attempts to influence public policy. A paper titled “Designing a Smoke-free Future in New Zealand” has been leaked to him, mapping out how Philip Morris wanted to influence government policy on the sale of heated tobacco products.

The 2017 document discusses its strategy for targeting political parties, politicians, and think tanks to further the company’s business agenda. According to the document, one of the main targets for the lobbyists was NZ First.

The focus of the strategy was to get politicians to include heated tobacco products as part of the promotion of smoke-free alternatives such as vapes. Philip Morris leads the market with its IQOS, which, unlike vaping, heats a tobacco stick, producing a nicotine vapour.

According to Espiner, the document states that its number one objective was to “maintain political pressure to ensure a favourable regulatory framework” for the company’s tobacco products in this area. In particular, it wanted to encourage politicians to cut the tax on these products.

The document is useful for understanding how lobbyists strategize, especially because it discusses which particular politicians and groups to lobby. For example, the document suggests that its advocates should “Leverage on positions already advocated by the NZ Taxpayers’ Union, NZ Initiative and select public health stakeholders.”

This is particularly relevant because Casey Costello has been the chair of the Taxpayers Union before she came into Parliament. The lobbying document identifies the Taxpayers Union as a partner in their tobacco strategy.

Not surprisingly, since Costello has been in Parliament since 2020, her party has generally voted against smoke-free policies. According to a study released this month by the Public Health Communication Centre, NZ First voted for “progressive legislation” only two out of seven times in 2023 and 2024. Similarly, the Act Party voted this way only two out of nine times.

In contrast, according to the study, National has supported progressive smokefree legislation on 7 out of 10 occasions. And apparently, “The Labour Party, the Greens and Te Pāti Māori voted consistently in support of progressive smokefree legislation.”

Dissent on giving heated tobacco products tax breaks

Earlier in the year, Costello quietly cut excise taxes on heated tobacco products by 50%. It has now been revealed that Treasury opposed this. Rachel Thomas of The Post reported on this over the weekend, saying that newly released documents show that Treasury opposed the tax cuts.

Treasury told the Government that there was “no clear independent evidence that heated tobacco products are significantly less harmful than cigarettes”, and they pointed to the Health Ministry’s literature review to support this. Treasury had also argued that the tax cut – which the Government had budgeted \$216m for – should be reversed, with the money allocated to pay for cancer drugs.

Finance Minister Nicola Willis wouldn’t be interviewed on the matter or reply to written questions but instead stated to the journalist that the tobacco tax cut was “consistent with our Coalition Agreement with New Zealand First”. Responding to this, Labour’s health spokesperson, Ayesha Verrall, was reported saying that the issue “revealed how much lobbyists were influencing the Government”.

Espiner has also uncovered more about the Government’s decision to cut taxes on heated tobacco products via the Cabinet paper related to the change, which noted that the process was not in line with usual policy-making: “The move to cut excise tax did not meet standard Cabinet requirements for such proposals because no regulatory impact statement was provided, the paper also noted. Instead, the Ministry for Regulation and the Health Ministry would do a ‘post implementation review’ on the excise tax cut after a year.”

Costello’s credibility as a Minister is in doubt

Opponents of Casey Costello say that she is “in thrall to tobacco lobbyists,” and it’s hard to disagree that this is exactly what it looks like. Although it’s possibly just a coincidence that the reforms that the new Minister has now implemented are the same as the various lobbying documents advocate, there’s plenty of room to reasonably speculate about the linkages.

Costello still maintains that she has no relationship with the tobacco industry, but it doesn’t help her case that she refuses to do interviews on the topic. Given that she has been caught breaking the law in her handling of documents in the decision-making processes, public confidence in Costello must be starting to wane.

Many of Costello’s statements on her tobacco and smoking decision-making process aren’t very credible—especially in terms of the lobbying document at the centre of her reforms. Opponents will now watch her carefully, ready to expose further credibility deficits and slipups.

Ultimately, this won’t reflect well on the Coalition Government. However, the bigger problem is that her tobacco and smoking rollbacks have become a clear case study of how lobbying and democracy in New Zealand now work.

Dr Bryce Edwards

Political Analyst in Residence, Director of the Democracy Project, School of Government, Victoria University of Wellington

Key Sources

Bryce Edwards (Democracy Project): The Role of tobacco interests in making government policy

Guyon Espiner (RNZ): Revealed: Politically charged tobacco policy document that NZ First Minister Casey Costello tried to hide

Guyon Espiner (RNZ): Leaked tobacco lobbying plan for 'political pressure' shows tobacco giant got its tax cut wish

Guyon Espiner (RNZ): Govt set aside \$216m to pay for heated tobacco product tax cuts

Lillian Hanly (RNZ): Costello brushes off revelation tobacco giant Philip Morris targeted NZ First

Mountain Tui: Is Casey Costello Corrupt?

No Right Turn: Simply not credible

Public Health Communication Centre: Parliamentary voting for smokefree over two decades: Implications for future progress

Rachel Thomas (The Post): Treasury urged U-turn on heated tobacco tax breaks to pay for cancer medicines (paywalled)

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Richard Ninness

02/10/2024

Guyon sent through an OIA that is word for word what Matt Swann from labour sent through

Casey Costello

19/09/2024

Another guyon story on RNZ...

Richard Ninness

18/07/2024

No kidding. I thought Guyon's piece was remarkably balanced

Text messages from Ministerial Advisor