

Submission

Therapeutic Products Bill

To Health Select Committee

From the Employers and Manufacturers
Association Northern Inc

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The Employers and Manufacturers Association (Northern) Inc. accepts this submission being publicly available and is available for further consultation.

About the Employers and Manufacturers Association Nth Inc (EMA):

The EMA has a membership of more than 7500 businesses, from Taupo north to Kaitaia, employing around 350,000 New Zealanders.

The EMA provides its members with employment relations advice and legal services from industry specialists, consulting services in HR, ER and Health and Safety, Collective Bargaining negotiation, a People Experience Practice and Advocacy at both Central and Local Government levels for its members to help their businesses and people businesses to grow.

The EMA also advocates on behalf of its members to bring changes in areas that can make a real difference to the day-to-day operations of our members including RMA reform, infrastructure development, employment law, skills and education, health and safety and export growth.

The EMA advocates for good regulatory practice when establishing new or updating existing legislation and regulations affecting business and where possible, alignment with international best practices and standards.

The EMA is also part of the Business NZ network.

Our Comments

The Employers and Manufacturers Association (Northern) Inc welcomes the opportunity to comment on the Therapeutic Products Bill.

The Employers and Manufacturers Association (Northern) Inc represents a significant proportion of business in the upper half of the North Island and is part of the Business New Zealand network where we work with our sister organisations that cover the balance of the country.

While most of our members are New Zealand-based companies manufacturing for local consumption and/or exporting to the world (generally in the SME category), our membership also represents a number of multinationals.

The EMA believes that regulation should always focus on the least compliance cost that achieves the appropriate regulatory outcomes for New Zealanders.

The Therapeutics Products Bill aims to replace the Medicines Act however there are inclusions in the bill that are not contained in the original legislation.

Specifically, the introduction of Natural Health Products (NHPs) which are currently governed under the Food Act dietary supplements regulation and in the case of topical products under the Cosmetic Products Group Standard.

We are concerned that by creating a new regulatory regime this will add significant costs to those businesses that import, manufacture, and distribute the products that will fall under the definition outlined in the bill.

We support retention of Dietary Supplements under the Food Act with updated regulatory rules to keep compliance costs aligned to those of similar food type products. We do not believe that moving these products under a therapeutic regime will improve safety or efficacy of the products but will see a reduction in consumer choices similar to those seen in Australia under the Therapeutic Goods Authority which is virtually the same as the regulator being proposed under this bill.

We recommend that NHP's be removed from the bill.

We note the repeal of the Sunscreen Act which has only recently come into force with the intention signalled in the bill to make Sunscreen products therapeutic. This change is inconsistent with how Sunscreens are regulated in most global markets such as Europe.

We believe that the Sunscreen Act should not be repealed and that sunscreens should remain a cosmetic product but remain subject to the mandatory requirement to meet the Joint Australian New Zealand Standard AS/NZS 2604 to ensure performance of SPF and meeting broad spectrum requirements set out in that standard.

As a cosmetic product sunscreens must also meet the ingredient and safety requirements set out in the Cosmetic Products Group Standard regulation administered by the Environmental Protection Authority.

We recommend that the Sunscreen Act not be repealed and that this proposal be removed from the bill.

We are aware there is potential for the change of sunscreens from cosmetic to therapeutic would be in conflict with the obligations set out in the CPTPP agreement Annex on trade barriers and we recommend that this also be considered.

We support submissions made by Business New Zealand and other industry associations such as Cosmetics New Zealand and the Direct Selling Association as being consistent with our view.