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foot the bill for a bad Bill**

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# MEDIA RELEASE

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## Plain packaging now heads to High Court

British American Tobacco Australia (BATA) confirmed it will commence proceedings in the High Court against the Federal Government immediately after plain packaging gains Royal Assent, if the legislation passes through the Senate today.

BATA believes it is unconstitutional for the Federal Government to remove a legal company's valuable property without compensation and feels the High Court will agree.

The result of BATA's legal challenges could force Minister Roxon to pay tobacco companies billions of dollars for the removal of trademarks, brands and pack space. She will then pay a much higher price for an increase in smoking rates and a huge growth in the illegal cigarette black market.

BATA spokesperson Scott McIntyre said it is no secret that legal experts believe the Federal Government is on shaky legal ground with plain packaging.

"Minister Roxon has been unable to give a guarantee that her government would win a legal challenge by the tobacco industry and neither could her key legal advisers during the plain packaging Senate Inquiry," Mr McIntyre said.

"She has continually refused to be transparent and release her legal advice on plain packaging through the Freedom of Information process even though there is so much at stake.

"No other country in the world has implemented plain packaging and there are many good reasons for that. It will make criminal gangs countless dollars as they reproduce plain packaged cigarettes with ease.

"If plain packaging does come in, smoking rates will increase as many more young people take it up after gaining greater access to cheap illegal cigarettes. Legal cigarettes will also become cheaper as prices are forced down through increased competition in the industry due to the removal of branding.

"Minister Roxon has said herself she has no proof plain packaging will work but yet she has continued to push this untried and untested legislation through parliament.

"In years to come plain packaging will be remembered as the legislation which wasted billions of taxpayer's dollars, caused uncontrollable growth in organised gang activity on the black market and increased smoking rates in young people.

"These serious repercussions are not something you think anyone would want to put their name to, let alone a Health Minister."

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