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MEDIA RELEASE

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BATA heads to High Court over plain packs

British American Tobacco Australia (BATA) will today apply for special leave to appeal to the High Court in an effort to make public the Federal Government's legal advice on plain packaging.

BATA also confirmed that if plain packaging passes through the Senate and becomes law then Australia's highest selling cigarette manufacturer will head straight to the High Court to challenge the Federal Government on the legislation.

In light of the High Court's decision over the Malaysian Solution it's now even more critical that the Government's plain packaging legal advice is released.

It appears the legal advice that Minister Bowen took from the Government's lawyers was incorrect so the question needs to be asked of Minister Roxon, can she give a 100% guarantee her advice from Government lawyers is not wrong as well?

BATA spokesperson Scott McIntyre said they believed the Government was on shaky legal ground over plain packaging and would be doing absolutely everything possible to find out how "strong" Minister Roxon's legal advice was.

"We have been highlighting for some time now how risky plain packaging is and the serious unintended consequences that will flow on from it including millions of taxpayer's dollars wasted in legal fees and potentially billions in compensation to the tobacco industry," Mr McIntyre said.

"BATA has been trying to sit down and talk to Minister Roxon but the Government won't listen to us so it looks like the best option to proceed is the High Court.

"We are hopeful the High Court will order her to come clean over the real legal situation around plain packaging.

"We can't understand why she won't operate in the spirit of Freedom of Information Act or in the public's interest. The Government have continually fought this in the courts and wasted taxpayer's money in the mean time.

"There are so many serious risks associated with plain packaging the Government can't afford to get this wrong as well. Whether it's cheap cigarettes, crime gangs importing illegal tobacco or legal action in the High Court, none of its good news for the Government"

BATA's application for special leave to appeal to the High Court is based on the grounds that we believe the Government has previously waived their legal professional privilege on this critical legal advice.

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