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Government won't release the real cost of plain packaging

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British American Tobacco Australia (BATA) has been forced to lodge an appeal in the Federal Court of Australia after the Federal Government repeatedly refused to release a key document through the Freedom of Information (FOI) process.

The release of this document is expected to demonstrate that the Government's proposed plain packaging laws are flawed. The draft legislation includes provisions that could result in taxpayers paying billions of dollars to the tobacco industry for removing trade marks from cigarettes.

The Health Minister is yet to reveal any real proof that plain packaging will reduce smoking rates and she has continually refused to release any legal advice which actually supports the untested legislation.

BATA spokesperson, Scott McIntyre said the company didn't want to take action through the appeals process but was left with no choice after the Government chose not to act in the spirit of the FOI Act.

"In April 2010 Kevin Rudd announced plans for unprecedented plain packaging laws without any consultation with the industry even though it's never been tried anywhere else in the world," Mr McIntyre said.

"If the Government is confident of its plans for plain packaging then we can't understand why they won't make this crucial document available.

"If the document supports the Government's case then why won't they release it?"

In 1995, which is the same year the advice BATA is seeking was drafted, it was reported that plain packaging would breach Australia's international treaties obligations dealing with trade marks and free trade.

The spokeswoman for the then Minister for Health, Dr Lawrence said of plain packaging, "Unfortunately, it is just not feasible. We would have to buy the tobacco companies' trademarks, and that would cost hundreds of millions of dollars." (*The Sydney Morning Herald*, Monday 24 July 1995).

The Constitution has not changed since then, only the trademarks' value has as they're now worth billions.

The first return date in the Federal Court for this matter is Wednesday, 4 May.

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