

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

ADDITIONAL ESTIMATES 2010-2011

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Question: PM15

Topic: Tobacco product packaging

Asked By: Senator Abetz

Type of Question: Written question on notice

Date set by the committee for the return of answer: 15 April 2011

Number of pages: 2

Senator Abetz asked:

I refer to the former Prime Minister's announcement of 29th April 2010 to introduce legislation to mandate plain packaging of tobacco products. I also refer to his doorstep interview of 29th April where he states 'we're very confident that we can take this action' and 'the government will not be paying any compensation to any tobacco company anywhere'.

1. **Has the Prime Minister or the Department of the Prime Minister and Cabinet received any advice in relation to the Federal Government's exposure to compensation payments to companies arising out of the introduction of the so called plain packaging proposal?**
 - a. **Was that external advice?**
 - b. **Who provided that advice?**
 - c. **When was that advice received?**
 - d. **Has Minister Roxon and/or the Prime Minister received or been briefed on that advice?**
 - e. **If so, on what date did this occur?**
 - f. **Did this advice categorically rule out compensation payments to tobacco companies?**

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Please provide a full copy of this advice/s.

- 2. What has the Department of the Prime Minister and Cabinet budgeted for in relation to potential legal costs arising out of a possible action by tobacco companies suing the Commonwealth Government for compensation? Please provide full copies of budgetary estimates and costs.**

Answer:

1. The Department of the Prime Minister and Cabinet has received copies of some legal advices obtained by the Department of Health and Ageing in relation to tobacco plain packaging. Questions about legal advice obtained by the Department of Health and Ageing should be directed to that department.
2. The department has not made provision of this kind.