

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program 1.1

Question No. 100

Senator Abetz asked the following question at the hearing on 25 May 2010:

Has the Department taken any advice as to how the Government's proposal to introduce plain packaging on cigarettes from 2012 will impact upon Australia's international obligations, particularly the World Trade Organisation's Agreement on Trade Related Aspects of Intellectual Property (TRIPs), and the Australia-US Free Trade Agreement? If so, what is the advice?

The answer to the honourable senator's question is as follows:

Advice with respect to the proposed plain packaging requirements for tobacco products and Australia's international obligations has been provided by the Australian Government Solicitor and the Department of Foreign Affairs and Trade, in consultation with the Attorney-General's Department.

It is the responsibility of the minister or agency which requested the legal advice to respond to questions about that advice. They are best placed to assess surrounding considerations, and consult where appropriate. Questions about legal advice relating to the proposed plain packaging measure should be directed to the Department of Health and Ageing.