



McCabe Centre for Law and Cancer welcomes tribunal decision in tobacco plain packaging international investment case

18 December 2015

We are very pleased that an investment tribunal has dismissed Philip Morris Asia's challenge to Australia's tobacco plain packaging laws.

We are looking forward to reading the tribunal's decision when it is released in the coming weeks, and will provide a comprehensive analysis of the tribunal's reasons at that time.

While we await the tribunal's reasons for decision, it is clear that the dismissal of the claim is related to Philip Morris's behaviour in having Philip Morris Asia buy into the Australian business more than 10 months after the Australian Government had announced that it would introduce plain packaging, and then seeking to sue the Australian Government under a 1993 investment treaty between Australia and Hong Kong as a 'foreign investor'.

The tobacco industry has now lost its legal challenges in both the [High Court of Australia](#) and under an international investment treaty.

The tribunal's decision follows [only a few weeks after the news](#) that smoking rates among Australian secondary school students are the lowest since surveys began more than 30 years ago.

The McCabe Centre's Director, Jonathan Liberman, said that 'the tobacco industry's litigation strategy is patently not working to scare countries out of introducing plain packaging'. France legislated for plain packaging yesterday, joining Ireland and the UK. Other countries have announced their intention to proceed including Norway, Canada, and Hungary. Plain packaging is under active government discussion in a number of other countries. Mr Liberman said that the adoption of plain packaging can be expected to continue in the coming years, supported by the WHO Framework Convention on Tobacco Control, a global treaty with 180 Parties.

Legal proceedings in the World Trade Organization continue. Mr Liberman said that 'the overwhelming view among legal experts is that these proceedings will end in the same way as the High Court and investment tribunal cases – with a victory to the Australian Government'.

Our congratulations to the Australian Government for its resolute defence of plain packaging. The benefits for public health – in cancers avoided and lives saved – will be enormous.

For media comment from the Centre's Director, Jonathan Liberman, contact Edwina Pearce, Cancer Council Victoria Communications Manager on +61 417 303 811 or edwina.pearse@cancervic.org.au

Click [here](#) for further information about the case.