

	<p>agency of the Department, or was considered by the Department in relation to the optimum or preferred design and size of graphic health warnings on tobacco products;</p> <p>(c) any report, review or research, other than that captured by paragraphs (a) and (b) above, that was relied on in the preparation of the Regulatory Impact Statement (RIS) published in relation to the Trade Practices (Consumer Product Information Standards) (Tobacco Regulation Commonwealth) Regulations 2004 (Clth) (TPA Regulation 2004), including but not limited to research in relation to the effectiveness of health warnings in jurisdictions outside Australia and any research commissioned by the Ministerial Council;</p> <p>(d) any report, review or research (other than the RIS) that was commissioned by or on behalf of the Department, or any agency of the Department, in relation to the impact, effect or costs implications of the graphic health warnings that were introduced by the TPA Regulation 2004;</p> <p>(e) any research, other than that captured by paragraphs (a), (b) and (f) above, in relation to the development or design of the graphic health warnings that were introduced by the TPA Regulation 2004; advice, including legal advice, sought in relation to the introduction of the graphic health warnings that were introduced by the TPA Regulation 2004; or</p> <p>(g) the role or significance of the TPA Regulation 2004 in the context of the Department's long term strategy or goals in relation to tobacco control.</p>		
<p>25</p>	<p>All documents created in the period 1 January 1997 to 30 June 1999 that fall within the following categories referring or relating to:</p> <p>(a) any report, review or research commissioned as a consequence of the recommendations in relation to mandatory health warnings on tobacco products, made in the report issued in June 1999 by the Ministerial Council titled the "National Tobacco Strategy 1999 to 2002/03" (1999 Strategy), including but not limited to any research into the public's understanding of health risks associated with tobacco use;</p> <p>(b) research or analysis in relation to, or consideration of, the introduction of health warnings that display photographs, pictures or other images;</p> <p>(c) research or analysis in relation to, or consideration of, the introduction of generic or plain packaging of tobacco products; or</p> <p>(d) the role or significance of the 1999 Strategy in the context of the Department's long term strategy</p>	<p>4 Aug 2010</p>	<p>BATA</p> <p>Withdrawn by applicant</p>

	or goals in relation to tobacco control, particularly in relation to the "elimination" of tobacco use in Australia which is identified in the Background Paper to the 1999 Strategy (at page 11) as a key goal of the 1999 Strategy.			
26	All documents created after 1 March 2006 where those documents refer or relate to any report, review or research that was commissioned by or on behalf of the Department, or any agency of the Department, or was considered by the Department in relation to the effectiveness of the graphic health warnings on tobacco products that were introduced by the Trade Practices (Consumer Product Information Standards) (Tobacco Regulation Commonwealth) Regulations 2004 (Clth).	4 Aug 2010	BATA	Completed
27	All documents created after 1 August 2009 that fall within the following categories referring or relating to: (a) any consideration by the Department of the private members bill, known as the Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009, introduced by Senator Fielding into the Commonwealth Senate in August 2009 (Fielding Bill); (b) any report, review or research that was commissioned by or on behalf of the Department, or any agency of the Department, or was considered by the Department in relation to the effectiveness of the reforms proposed by the Fielding Bill; (c) any report, review or research that was commissioned by or on behalf of the Department, or any agency of the Department, in relation to the impact, effect or costs implications of the reforms proposed by the Fielding Bill; or (d) advice, including legal advice, sought in relation to the reforms proposed by the Fielding Bill.	4 Aug 2010	BATA	Completed
28	All documents that contain FOI requests seeking access to documents held by the Department that relate to the anti-smoking action announced by the Prime Minister, Treasurer and Minister for Health on 29 April 2010. Documents concerning the expense, time and resources used by the Department to date in the course of responding to FOI requests seeking access to documents held by the Department that relate to the anti-smoking action announced by the Prime Minister, Treasurer and Minister for Health on 29 April 2010.	27 Sept 2010	Action on Smoking and Health (ASH)	Withdrawn by applicant
29	Internal Review of the Anti-Smoking Action of 29 April 2010.	21 Dec 2010	BATA	Completed

30	<p>Access to tobacco-related documents referred to in the linked document schedule, created by the Department of Health and Ageing for the Senate Community Affairs Committee. Specifically, The Australian requests access to the documents 1, 3, 4, 7, 8, 10 and 12 referred to in the tabled schedule.</p>	13 Jan 2011	The Australian Newspaper	Withdrawn by applicant
31	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 5 April 2011)."</i></p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>	7 April 2011	PML	Completed
32	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i></p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>	23 March 2011 (Transfer from Dept of Finance and Deregulation)	PML	Completed
33	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i></p>	21 March 2011 (Transfer from Office of the Minister for Health and Ageing)	PML	Completed

	<p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>	<p>28 March 2011 (Transfer from Dept of the Prime Minister and Cabinet)</p>	<p>PML</p>	<p>Completed</p>
<p>34</p>	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i></p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>			
<p>35</p>	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i></p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>	<p>28 March 2011 (Transfer from Office of the Prime Minister)</p>	<p>PML</p>	<p>Completed</p>
<p>36</p>	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were</i></p>	<p>31 March 2011 (Transfer from The Treasury)</p>	<p>PML</p>	<p>Completed</p>

	<p><i>created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011).</i>"</p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>			
<p>37</p>	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i></p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>	<p>6 April 2011 (Transfer from Office of the Minister for Competition Policy and Consumer Affairs)</p>	<p>PML</p>	<p>Completed</p>
<p>38</p>	<p>Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"the documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i></p> <p>On 22 April 2013, the Office of the Australian Information Commissioner found in favour of the Department's decision to refuse to process this request on the basis that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.</p>	<p>7 April 2011 (Transfer from Dept of Foreign Affairs and Trade)</p>	<p>PML</p>	<p>Completed</p>

39	<p>All correspondence dated after 1 January 2010 between the Department and News Limited, Fairfax Media Publications Pty Ltd or any other media organisation or proprietor regarding the publication of advertisements paid for or commissioned by:</p> <p>(a) tobacco companies; or</p> <p>(b) stakeholders in the tobacco industry.</p>	7 April 2011	BATA	Completed
40	<p>Federal Court - BATA appealed the AAT decision that was handed down on 30 March 2011, which found in the Department's favour. Documents relating to Response to the Senate Community Affairs Reference Committee: The Tobacco Industry and the Costs of Tobacco-Related Illness. On 23 August 2011, the Full Federal Court handed down its judgement. The Court found in the Department's favour and upheld the AAT's decision. A special leave application was refused by the High Court on 17 August 2012.</p>	April 2011	BATA	Completed
41	<p>Any reports or correspondence, written or electronic, the Minister or the Department received from April 10/2010 to April 10/2011 that provide cost estimates of potential litigation related to the Tobacco Plain Packaging Bill 2011.</p>	12 April 2011	Bloomberg News	Completed
42	<p>Internal Review of documents created or received on or after 1 January 2005 to 24 June 2010 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents.</p>	19 April 2011	PML	Completed
43	<p>Internal Review of first tranche of documents from the refined BATA 10.</p>	27 April 2011	BATA	Completed
44	<p>All documents relating to the formulation and drafting of any regulations intended to be introduced</p>	4 May 2011	BATA	Completed

	pursuant to the Tobacco Plain Packaging Bill 2011 once enacted.				
45	All or any documents that state explicitly Australia has an obligation to introduce plain packaging under the WHO's FCTC.	11 May 2011	Institute of Public Affairs	Institute of Public Affairs	Deemed withdrawal
46	All or any documents that state explicitly the Department's view about the relationship between the WHO's FCTC and WTO's TRIPS.	11 May 2011	Institute of Public Affairs	Institute of Public Affairs	Deemed withdrawal
47	Documents created or received on or after 1 January 2005 to 5 April 2011 relating to plain packaging of tobacco products, according to 19 focus questions on plain packaging, smoking rates, product prices and competition, retailing of tobacco products, illicit trade, graphic health warnings, intellectual property rights, trade obligations, documents passing between specific organisations and departments, research and writing of the Preventative Health Task Force, tobacco control, the Anti-smoking Action, legal advice and other specified documents. <i>"The documents detailed in Schedule 1 and Schedule 2 attached to your letter, being 'documents relating to or concerning plain packaging' which were created or received on or after 1 January 2005 to the date of your letter (ie 17 March 2011)."</i> Office of Information Commissioner conducting a review. As part of its review of this matter, on 2 May 2012 the Office of the Australian Information Commissioner (OAIC) provided the Department with an extension under section 15AC of the <i>Freedom of Information Act 1982</i> to process the request. On 7 June 2012, the Department refused the requested under section 24A of the FOI Act (substantial and unreasonable diversion of Departmental resources).	5 May 2011 Office for the Minister for Trade	PML	PML	Completed
48	Subject of IC review. Complaint made to the Ombudsman's Office by applicant about FOI charges. The Ombudsman made a decision on 29 May 2012, finding that the actions of the Department were reasonably open for it to make and compliant with the FOI Act and regulations.	25 May 2011	PML	PML	Completed
49	All documents related to proposals for plain packaging of consumer products since 31 May 2010, being my last FOI into the same matter, but not including: documents previously released to me under FOI; duplicate documents; publicly available documents and early drafts of documents where a final version is available: In terms of consumer products I mean food, alcohol and tobacco products. With regard to documents previously released that is specific to IP Australia and should not be considered as part of this partially transferred request. As the applicant did not respond to the Department's Notice of Intention to Refuse by the deadline of 12 July 2011, this request was deemed to have been withdrawn.	8 June 2011 (accepted transfer from IP Australia)	Institute of Public Affairs	Institute of Public Affairs	Deemed withdrawal

50	All copies of all submissions made to the Department relating to the exposure draft of the government's plain packaging legislation.	20 June 2011	Institute of Public Affairs	Withdrawn by applicant
51	Internal Review of second tranche of documents from the refined BATA 10. Department advised applicant on 5 August 2011 that it was unable to complete internal review by 30 day deadline, and that Department did not consider that any short-term extension of time would be sufficient to allow the internal review process to be completed without having substantial adverse impact on the Department's other operations.	6 June 2011	BATA	Completed
52	Copies of all transcripts of radio and television interviews of the Health Minister, Nicola Roxon, from the 26 April 2010 to 30 May 2010. This request was withdrawn on 12 August 2011.	12 July 2011	Institute of Public Affairs	Withdrawn by applicant
53	A report by Biotext, as listed CN ID CN405688, arising from the analysis of the public submissions on the Tobacco Plain Packaging Bill. This request was withdrawn on 18 August 2011.	20 July 2011	The Australian	Withdrawn by applicant
54	The document cited at footnote 16 of the Consultation Paper to the Tobacco Plain Packaging Bill 2011 dated 7 April 2011 as follows: Wakefield M, Germain D, Durkin S, Hammond D, Goldberg M and Borland R 2011 'Effects of Increasing size of Health Warnings on plain vs branded packs'. Presentation at Society for Research on Nicotine and Tobacco 17 th Annual meeting February 17, 2011 Toronto Canada.	20 July 2011	PML	Completed
55	Complaint made to the Information Commissioner's Office by applicant about FOI charges.	25 July 2011	PML	Completed
56	(a) Any document, created since June 2010, addressing or providing direction as to how to respond to or process: (i) any request made under the FOI Act relating to the plain packaging of tobacco products (<i>PP FOI Request</i>); and/or (ii) any request made by a tobacco manufacturer under the FOI Act, including by Philip Morris Limited, British American Tobacco Australia, Imperial Tobacco Australia Limited (<i>Tobacco FOI Request</i>). (b) Any document explaining the criteria applied by the FOI Charges Calculator (as referred to in the enclosed letter dated 7 April 2011) and/or any guidelines for its use. The reference above to <i>Document</i> , includes any email, report, memorandum, analysis or file note, other than: <ul style="list-style-type: none"> • correspondence sent to the tobacco manufacturers and/or their legal representatives; • any advice that is subject to legal professional privilege received by the Department of Health 	29 August 2011	PML	Completed

57	<p>and Ageing concerning a PP FOI Request or a Tobacco FOI Request;</p> <ul style="list-style-type: none"> documents available to the general public; and in respect of request 2(a) above, Documents addressing or providing direction as to how to respond to or process FOI requests generally, such as a guide or manual which is not directed exclusively to addressing or providing direction as to how to process or respond to a PP FOI Request or a Tobacco FOI Request <p>The reference above to <i>Request</i>, includes any application under s 15 of the FOI Act seeking access to information held by Commonwealth agencies and any request for review of a decision (including a charges decision) made pursuant to the FOI Act.</p>	31 August 2011	BATA	Completed
58	<p>Documents created after 2008 where those documents record or relate to communications or advice from or to:</p> <ul style="list-style-type: none"> (a) Attorney General's Department; and/or (b) IP Australia, and/or (c) Department of the Prime Minister and Cabinet <p>on amendments to the <i>Trade Marks Act 1995 (Cth)</i> in the context of plain packaging, including but not limited to, communications or advice on the formulation of the <i>Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 (Cth)</i>.</p>	8 September 2011 (Partial transfer from PM&C)	BATA	Completed
59	<p>All documents created between 1 June 2003 and 28 February 2006 which refer to or contain information:</p> <ul style="list-style-type: none"> (a) predicting or assessing any likely gain or benefit, financial or otherwise, or cost-saving to the Commonwealth as a result of the graphic health warnings required by the Trade Practices (Consumer Product Information Standards)(Tobacco) Regulations 2004 (Cth) ('the Graphic Health Warnings'); or (b) reporting or commenting on any gain or benefit, financial or otherwise, or cost-saving to the Commonwealth as a result of the Graphic Health Warnings; <p>including, but not limited to, documents which report or comment on the findings of studies undertaken in relation to (a) or (b) above.</p>	22 September 2011	BATA	Withdrawn by applicant
60	<p>All documents created between 1 March 2006 and 29 April 2010 which refer to or contain information:</p>	22 September 2011	BATA	Withdrawn by applicant

	(a) predicting or assessing any likely gain or benefit, financial or otherwise, or cost-saving to the Commonwealth as a result of the graphic health warnings required by the Trade Practices (Consumer Product Information Standards)(Tobacco) Regulations 2004 (Cth) ('the Graphic Health Warnings'); or (b) reporting or commenting on any gain or benefit, financial or otherwise, or cost-saving to the Commonwealth as a result of the Graphic Health Warnings; including, but not limited to, documents which report or comment on the findings of studies undertaken in relation to (a) or (b) above.				
61	All documents created after 29 April 2010 which refer to or contain information: (a) predicting or assessing any likely gain or benefit, financial or otherwise, or cost-saving to the Commonwealth as a result of the graphic health warnings required by the Trade Practices (Consumer Product Information Standards)(Tobacco) Regulations 2004 (Cth) ('the Graphic Health Warnings'); or (b) reporting or commenting on any gain or benefit, financial or otherwise, or cost-saving to the Commonwealth as a result of the Graphic Health Warnings; including, but not limited to, documents which report or comment on the findings of studies undertaken in relation to (a) or (b) above.	22 September 2011	BATA	Completed	
62	Same as request 57.	22 September 2011 (Transfer from IP Australia)	BATA	Completed	
63	Complaint made to the Information Commissioner's Office by applicant about FOI charges relating to two requests.	12 October 2011	BATA	Completed	
64	<ul style="list-style-type: none"> The consumer/market research commissioned by DoHA regarding the proposed content of the new graphic health warnings; and the consumer/market research commissioned by DoHA regarding the proposed physical requirements for the plain packaging of tobacco products. 	15 November 2011	Imperial	Withdrawn by applicant	
65	All documents containing references to Donna Marie Staunton (aka Donna Mayne-Staunton) during the period 1 January 1998 to 31 December 2001 including, without necessarily being limited to, correspondence between Donna Marie Staunton or Donna Mayne-Staunton and Dr Michael Wooldridge, Minutes to the Minister for Health, and internal departmental communications which are found in any files relating to Philip Morris Limited – either Australian or the international company.	26 October 2012	Independent	Completed	

66	<p>Copies of the following documents:</p> <ul style="list-style-type: none"> (a) documents recording data and information analysing the impact of the <i>Excise Tariff Amendment (Tobacco) Act 2010</i> (Cth) (Excise Act); (b) any reports arising out of the material referred to in (a) above; (c) documents recording data and information analysing the impact of the <i>Customs Tariff Amendment (Tobacco) Act 2010</i> (Cth) (Customs Act); (d) any reports arising out of the material referred to in (c) above; and (e) documents produced by the Tobacco Control Taskforce considering the outcomes and impacts of either the Excise Act or the Customs Act. 	22 May 2013	Herbert Smith Freehills	Transferred to Treasury
67	<p>Copies of documents created on or after 1 April 2012:</p> <ul style="list-style-type: none"> (a) documents recording data and information from monthly surveys conducted by Cancer Council Victoria regarding the implementation and potential implementation of the <i>Tobacco Plain Packaging Act 2011</i> (Cth) (TPP Act); and (b) any reports arising out of the material referred to in (a) above. <p>Also, copies of documents created on or after 1 October 2012:</p> <ul style="list-style-type: none"> (a) recording or summarising the outcomes and impacts of the TPP Act, including those documents referring to anecdotal evidence; (b) produced by the Tobacco Control Taskforce considering the outcomes and impacts of the TPP Act; (c) recording or summarising data and information obtained from 'quit lines' (but not including information that would identify any caller); (d) recording or summarising comments and complaints arising out of the TPP Act; (e) recording or summarising feedback from NGOs regarding the TPP Act; and (f) recording or summarising feedback from foreign states and bodies regarding the TPP Act. 	22 May 2013	Herbert Smith Freehills	Completed