

List of Tobacco FOI requests on hand in the Department of Health and Ageing

| No | Terms of request | Date received | Applicant | Status |
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| 1 | 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. | 28 June 2010 | Philip Morris Limited (PML) | FOI being processed |
| 2 | All advice, documents, information on generic packaging during Minister Dr Carmen Lawrence time in office. | 2 July 2010 | British American Tobacco Australia (BATA) | Completed. No documents identified |
| 3 | <p>All documents created within the period from 1 January 2008 to date 19 July 2010 referring or relating to:</p> <p>(a) the formulation and drafting of the "Tobacco Recommendations" contained in the report titled, "Taking Preventative Action" (at pages 61 to 85 inclusive) released by the Department on 11 May 2010;</p> <p>(b) the expected effect of the introduction of the plain packaging of tobacco, appeal and desirability of smoking;</p> <p>(c) any other expected effect of the introduction of the plain packaging of tobacco products; and</p> <p>(d) the use of packaging by the tobacco industry, including in relation to "brand image".</p> | 5 July 2010 | BATA | FOI being processed |
| 4 | <p>All documents created within the period from 1 January 2008 to date 19 July 2010 referring or relating to</p> <p>(a) the commission or conduct of a Regulatory Impact Statement in relation to the plain packaging of tobacco products;</p> | 23 July 2010 | BATA | FOI being processed |

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| | <p>(b) any assessment of the impact, including costs, benefits and levels of risk, associated with the introduction of plain packaging of tobacco products on consumers, business, government and the community;</p> <p>(c) the optimal pack design to achieve the public health objectives associated with the plain packaging of tobacco products; and</p> <p>(d) concerns of retailers associated with the plain packaging of tobacco products.</p> | | | |
| 5 | <p>All documents that fall within the following categories "Technical Report 2: Tobacco control in Australia: making smoking history including addendum for October 2008 to June 2009)" (G Report) where those documents refer or relate to any of the following matters:</p> <p>(a) the consideration, development and drafting of the "Action Proposed" that is recorded in the following terms at page 21 of the TWG Report;</p> <p style="padding-left: 40px;">ACTION PROPOSED</p> <p style="padding-left: 40px;">Require all tobacco products to be sold in plain packaging, the exact appearance of which (precise colour, paper finish, shape of pack etc) could be prescribed in regulations under the Trade Practices Act 1974</p> <p style="padding-left: 40px;">Commission research to determine exactly how packs should be designed to minimise appeal to young people.</p> <p>(b) the consideration, development and drafting of the "Action Proposed" that is recorded in the following terms at page 22 of the TWG Report;</p> <p style="padding-left: 40px;">ACTION PROPOSED</p> <p style="padding-left: 40px;">Amend Schedule 2 to the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 1974 to prescribe that health warnings must cover at least 90% of the front and 100% of the back of the pack.</p> <p>(c) the consideration, development and drafting of the "Action" that is recorded in the following terms at page 98 of the TWG Report:</p> <p style="padding-left: 40px;">Action 3.1</p> | 23 July 2010 | BATA | FOI being processed |

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| | <p>Legislate to eliminate all remaining forms of promotion, including promotion of price, public relations activities, payments to retailers and proprietors of hospitality venues, promotion through packaging and, as far as feasible, through new and emerging forms of media.</p> <p>(d) the consideration, development and drafting of the "Action" that is recorded in the following terms at page 99 of the TWG Report:</p> <p style="padding-left: 40px;">Action 3.3</p> <p style="padding-left: 40px;">Eliminate promotion of tobacco products through design of Packaging.</p> | | | |
| 6 | <p>All documents that fall within the following categories documents refer or relate to any of the following matters:</p> <p>(a) the scope or terms of reference of the report by Professor Susan Hurley, Dr Matthew Spittal, Ms Michelle Scollo, Dr Sarah Durkin and Professor Melanie Wakefield commissioned by the NPHT and titled "Predicted impact of proposed tobacco control strategies" dated June 2009 (Report), including any consideration or decision in relation to whether the scope or terms of reference of that Report should include consideration of the impact of the plain packaging of tobacco products;</p> <p>(b) the preparation of the Report, including any drafts of the Report; and any other reports, papers or research commissioned by or on behalf of the Department, the NPHT or the TWG; or by</p> <p>(c) any other Commonwealth Department or agency, in relation to the impact of proposed tobacco control strategies including plain packaging.</p> | 23 July 2010 | BATA | FOI being processed |
| 7 | <p>All documents created within the period from 1 January 2008 to date 19 July 2010:</p> <p>(a) records of the National Preventative Health Taskforce (NPHT) and the Tobacco Working Group of the NPHT (TWG), including records of communications between the Department and the NPHT and TWG;</p> <p>(b) research commissioned or considered by the Department, the NPHT or the TWG;</p> <p>where those documents refer or relate to any of the following matters:</p> | 23 July 2010 | BATA | FOI being processed |

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| | <p>(a) anti-counterfeit measures, including any increased incidence of counterfeiting, associated with the plain packaging of tobacco products; and</p> <p>(b) the illicit trade of tobacco products, including any anticipated increase in illicit trade, associated with the plain packaging of tobacco products.</p> | | | |
| 8 | <p>All briefing papers and minutes prepared for the Minister, the Parliamentary Secretary or senior departmental officers in the period from 1 January 1996 to 31 December 1997 that referred or related to tobacco use or tobacco regulation.</p> <p>All inter-departmental and general correspondence and papers created in the period from 1 January 1996 to 31 December 1997 that referred or related to tobacco use or tobacco regulation.</p> <p>All records of internal departmental management meetings and teleconferences, including agendas and minutes created in the period from 1 January 1996 to 31 December 1997 that referred or related to tobacco use or tobacco regulation.</p> | 23 July 2010 | BATA | FOI being processed |
| 9 | <p>All documents that comprise the following "major sources" used in the preparation of the report prepared by the Tobacco Working Group of the National Preventative Health Taskforce titled, "Technical Report 2: Tobacco control in Australia: making smoking history including addendum for October 2008 to June 2009)" (as listed on page 51 of that report):</p> <ol style="list-style-type: none"> 1. Postings by members of the Inter-national Union Against Cancers "GLOBALink" network on proposals, legislative and regulatory reforms not currently in place in Australia. 2. Recently published and soon to be published major reviews of scientific evidence conducted by international scientific agencies. 3. Reviews and meta-analyses and studies in scientific journals. 4. Policy recommendations prepared by international health authorities. 5. Discussion papers prepared by expert groups. 6. Reviews of evidence by government agencies prepared as part of regulatory impact statements | 23 July 2010 | BATA | FOI being processed |

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| | <p>required prior to consideration by legislators.</p> <p>7. Published and unpublished research on tobacco promotion and media education conducted by the Centre for Behavioural Research in Cancer.</p> <p>8. Published and unpublished results of the International Tobacco Control Four Nations (ITC 4 Nations) study.</p> | | | |
| 10 | <p>All documents that were created within the period 1 January 2008 to date 19 July 2010 referring or relating to:</p> <p>(a) the impact of the introduction of plain packaging of tobacco products on Australia's obligations under International law and international treaties, including but not limited to, Australia's obligations under:</p> <ul style="list-style-type: none"> • the agreement that is generally referred to as the GATT Agreement (General Agreement on Trade and Tariffs) • the agreement that is generally referred to as the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights); • the agreement that is generally referred to as the TBT Agreement (Agreement on Technical Barriers to Trade); <p>(b) the impact of the introduction of plain packaging of tobacco products on Australia's obligations under any free trade agreement or free trade agreements generally; and</p> <p>(c) the impact of the introduction of plain packaging of tobacco products on Australia's obligations under any bilateral investment treaty or bilateral investment treaties generally.</p> | 23 July 2010 | BATA | FOI being processed |
| 11 | <p>All documents to do with:</p> <p>(a) the meetings and other activities of the Framework Convention on Tobacco Control (FCTC) Working Group, including but not limited to any involvement by the Department or any other Commonwealth department or agency in those meetings and activities;</p> <p>(b) the meetings and other activities of the FCTC Intergovernmental Negotiating Body, including but not limited to any involvement by the Department or any other Commonwealth department or agency in those</p> | 23 July 2010 | BATA | FOI being processed |

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| | <p>meetings and activities;</p> <p>(c) the meetings and other activities of the FCTC Open-Ended Inter-governmental Working Group, including but not limited to any involvement by the Department or any other Commonwealth department or agency in those meetings and activities;</p> <p>(d) the meetings and other activities of the FCTC Conference of the Parties, including but not limited to any involvement by the Department or any other Commonwealth department or agency in those meetings and activities;</p> <p>(e) the meetings and other activities of the FCTC Working Group for the development of guidelines on the implementation of Article 5.3, including, but not limited to any involvement by the Department or any other Commonwealth department or agency in those meetings and activities;</p> <p>(f) the meetings and other activities of the FCTC Working Group for the development of guidelines on the implementation of Article 11, including, but not limited to any involvement by the Department or any other Commonwealth department or agency in those meetings and activities;</p> <p>(g) the meetings and other activities of the FCTC Working Group for the development of guidelines on the implementation of Article 13, including, but not limited to any involvement by the Department or any other Commonwealth department or agency in those meetings and activities;</p> <p>(h) the meetings and other activities of any expert group associated with the FCTC, including any reports, guidelines or protocols developed by any such group.</p> | | | |
| 12 | <p>All documents referring or relating to:</p> <p>(a) advice received by the Department in or around December 1995, including legal advice received from the Attorney General's Department on 14 December 1995, in relation to the generic packaging of tobacco products (Advice);</p> <p>(b) any summary or other document that discloses the substance of the Advice) that was prepared of, or in relation to, the Advice (Summary),</p> | 23 July 2010 | BATA | FOI being processed |

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| | <p>(c) any request by the TWG that it be provided with a copy of the Advice or Summary, including any response to that request;</p> <p>(d) any request by the MTAG that it be provided with a copy of the Advice or Summary, including any response to that request;</p> <p>(e) consideration by the Department of any request by the TWG that it be provided with a copy of the Advice or Summary, including any decision, discussion or deliberation in relation to that request; and consideration by the Department of any request by the MTAG that it be provided with a copy of the Advice or Summary, including any decision, discussion or deliberation in relation to that request.</p> | | | |
| 13 | <p>All documents created before 1 July 1993</p> <p>(a) the policy objectives or outcomes that were sought to be achieved through the introduction of the Tobacco Advertising Prohibition Act 1992 (Clth) (TAP Act) and any associated subordinate legislation;</p> <p>(b) the expected effect or impact of the introduction of the TAP Act and any associated subordinate legislation, including but not limited to any research or analysis in relation to the expected effect or impact of that legislation; or</p> <p>(c) the role or significance of the TAP Act and any associated subordinate legislation in the context of the Department's long term strategy or goals in relation to tobacco control.</p> | 23 July 2010 | BATA | FOI being processed |
| 14 | <p>All documents created in the period 1 January 1992 to 31 December 1995</p> <p>(a) the expected effect or impact of the new health warnings that were being considered by the NHMRC and Ministerial council during the period 1992 to 1994 (New Health Warnings);</p> <p>(b) research or analysis that was commissioned or considered by the NHMRC and Ministerial Council in relation to the New Health Warnings, including but not limited to research undertaken or overseen by the Centre for Behavioural Research in Cancer;</p> <p>(c) the policy objectives or outcomes that were sought to be achieved through the introduction of the New</p> | 4 Aug 2010 | BATA | FOI being processed |

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| | <p>Health Warnings;</p> <p>(d) the role or significance of the New Health Warnings in the context of the Department's long term strategy or goals in relation to tobacco control;</p> <p>(e) the expected effect or impact of the introduction of the Trade Practices (Consumer Product Information Standards) (Tobacco Regulation Commonwealth) Regulations 1994 (Clth) (TPA Regulation), including any impact statements, cost benefit analysis or any other reassessment of the expected effect or impact of that legislation;</p> <p>(f) research or analysis that was commissioned or considered in relation to the introduction of the TPA Regulation, including but not limited to research undertaken or overseen by the Centre for Behavioural Research in Cancer and any research in relation to the design and development of the health warnings introduced by the TPA Regulation;</p> <p>(g) the policy objectives or outcomes that were sought to be achieved through the introduction of the TPA Regulation;</p> <p>(h) the role or significance of the TPA Regulation in the context of the Department's long term strategy or goals in relation to tobacco control;</p> <p>(i) research, analysis or consideration in relation to the introduction of health warnings on tobacco products containing photographs, pictures or other images; or</p> <p>(j) research, analysis or consideration in relation to the introduction of generic or plain packaging of tobacco products.</p> | | | |
| 15 | <p>All documents created in the period 1 December 1995 to 31 December 1997 referring or relating to:</p> <p>(a) consideration of, or discussion in relation to, the recommendations made in the report presented in December 1995 by the Senate Community Affairs References Committee to the Commonwealth Parliament titled, "The Tobacco Industry and the Costs of Tobacco Related Illness" (Herron Report) in relation to;</p> <p>(A) generic or plain packaging of tobacco products;</p> <p>(B) mandatory health warnings on tobacco products.</p> | 4 Aug 2010 | BATA | FOI being processed |

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| | <p>(b) the development of a formal response by the Commonwealth government to the Herron Report;</p> <p>(c) advice, including legal advice, sought in relation to the recommendations of the Herron Report, excluding the legal advice that is the subject of AAT proceedings no. 2009/4800, Phillip Morris Ltd v Department of Health and Ageing, to which the Applicant is a party;</p> <p>(d) advice, including legal advice, sought in relation to the introduction of generic or plain packaging of tobacco products, excluding the legal advice that is the subject of AAT proceedings no. 2009/4800, Phillip Morris Ltd v Department of Health and Ageing, to which the Applicant is party; or</p> <p>(e) any report, review or research commissioned or undertaken as a consequence of Recommendation 18 of the Herron Report; and</p> <p>(f) any independent research body or facility established as a consequence of Recommendation 18 of the Herron Report.</p> | | | |
| 16 | <p>All documents created between 1 January 2000 and 31 December 2004 referring or relating to:</p> <p>(a) 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 graphic health warnings on tobacco products;</p> <p>(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 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</p> | 4 Aug 2010 | BATA | FOI being processed |

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| | <p>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> | | | |
| 17 | <p>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 (Cwlth).</p> | 4 Aug 2010 | BATA | FOI being processed |
| 18 | <p>All documents created after 1 August 2009 that fall within the following categories referring or relating to:</p> <p>(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);</p> <p>(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;</p> <p>(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</p> | 4 Aug 2010 | BATA | FOI being processed |

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| | Fielding Bill; or (d) advice, including legal advice, sought in relation to the reforms proposed by the Fielding Bill. | | | |
| 19 | <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 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.</p> | 4 Aug 2010 | BATA | FOI being processed |
| 20 | <p>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.</p> <p>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.</p> | 27 Sept 2010 | Action on Smoking and Health (ASH) | Withdrawn |