

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

Group 2

Program 1.3

Question No. 150

Senator Singh asked the following question at the hearing on 24 February 2014:

- 1) Please provide an update on the tobacco plain packaging suit being fought by the Australian Government?
- 2) Is there a projected cost to fighting this ISDS law suit?

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

- 1) Philip Morris Asia submitted its full Statement of Claim on 28 March 2013. Australia submitted its full Statement of Defence on 23 October 2013. The Tribunal hearing on whether to bifurcate the proceedings was held in Toronto, Canada on 20-21 February 2014. Bifurcation is the term which describes the separation of the proceedings into two phases: a preliminary jurisdictional phase and a subsequent merits phase, if required. The parties are currently awaiting the Tribunal's decision on bifurcation.

Information regarding the tobacco plain packaging arbitration is available on the [Attorney General's Department's website](#), and key updates will be posted to the website. In addition, all awards, decisions and orders of the Tribunal in the arbitration are being made available on the [Permanent Court of Arbitration website](#).

- 2) The Government does not disclose figures associated with defending these legal challenges as public disclosure of that information may confer a tactical advantage on the other parties in the litigation.