



香港中文大學  
The Chinese University of Hong Kong

Centre for Financial Regulation and Economic Development

金融規管與經濟發展研究中心



FACULTY OF LAW

## A CFRED Seminar

by

**Prof. Andrew Mitchell**

Associate Professor, Melbourne Law School, University of Melbourne

### *BACK IN YOUR BOX: BIG TOBACCO'S LEGAL CHALLENGES TO PLAIN PACKAGING IN AUSTRALIA*

27 October 2011, 4:30 – 5:30 p.m.

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The Australian Commonwealth Government has committed itself to the plain packaging of tobacco products. It has introduced into Parliament legislation that will restrict or prohibit the use of tobacco industry logos, colours, brand imagery and promotional text on tobacco product packaging other than brand names and product names in a standard colour, font style and position. Predictably, the tobacco industry has taken issue with the initiative. Part of the industry's response is to suggest that a number of domestic and international legal barriers preclude plain packaging. One objection is that the initiative would require the Australian Government to pay compensation, on the basis that it entails an acquisition of property under s 51(xxxi) of the Australian Constitution. Another suggestion is that it may be contrary to Australia's obligations under the World Trade Organization, preferential trade agreements, or bilateral investment treaties. This presentation explains the actual and potential international legal challenges and the extent to which international laws constrain public health initiatives.

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**Date:** Thursday, 27 October 2011 **Time:** 4:30-5:30p.m.

**Venue:** Moot Court, Faculty of Law, 5/F Lee Shau Kee Building, The Chinese University of Hong Kong, Shatin, N.T.

All are welcome!

To join us, please send an email to [law-cfred@cuhk.edu.hk](mailto:law-cfred@cuhk.edu.hk), providing your name and contact by 26 Oct, 4p.m., RSVP.



## About the Speaker



Andrew joined the faculty at Melbourne Law School in 2006. In 2007, following a nomination by the Australian government, the WTO's Dispute Settlement Body added him to the Indicative List of Governmental and Non-Governmental Panelists to hear WTO disputes. He has law degrees from Melbourne Law School, Harvard Law School and the University of Cambridge. His previously employers include the IMF, the OECD, Davis Polk & Wardwell, and Allens Arthur Robinson. Andrew also consults for the private sector and governmental and non-governmental organisations including Telstra and the WHO. He has over 80 academic publications and has taught at numerous other law schools in Canada, the US and Australia.

