

**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

No S389 of 2011

BETWEEN: **BRITISH AMERICAN TOBACCO
AUSTRALASIA LIMITED**
First Plaintiff

**BRITISH AMERICAN TOBACCO
(INVESTMENTS) LIMITED**
Second Plaintiff

**BRITISH AMERICAN TOBACCO
AUSTRALIA LIMITED**
Third Plaintiff

AND: **THE COMMONWEALTH OF AUSTRALIA**
Defendant

CHRONOLOGY OF THE COMMONWEALTH OF AUSTRALIA

Filed on behalf of the Defendant by:

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TPP – Chronology of the introduction of plain packaging

Date	Description	References
21 May 2003	The WHO Framework Convention on Tobacco Control (FCTC) was adopted by the World Health Assembly. (The FCTC was signed by Australia in 2003, ratified by Australia in 2004, and entered into force on 27 February 2005.)	SCB2 ¹ 758 QRB ² 13 (para [24])
April 2008	The Commonwealth established the National Preventative Health Taskforce.	SCB2 695
22 November 2008	Guidelines for the implementation of Arts 11 and 13 of the FCTC were adopted by the Conference of the Parties established under the FCTC. Both Guidelines referred to plain packaging.	QRB 15 (para [25])
2009	The Commonwealth published the <i>Evaluation of the Effectiveness of the Graphic Health Warnings on Product Packaging 2008</i> , a report prepared by Elliott & Shanahan Research into the effectiveness of the existing graphic health warnings.	SCB2 445-687
30 June 2009	The National Preventative Health Taskforce published: <ul style="list-style-type: none"> — an “Overview” document; — a “Roadmap” document; and — “Technical Report 2: Tobacco control in Australia: Making Smoking History”, including an addendum for October 2008 to June 2009. <p>These documents included various recommendations concerning tobacco, including a recommendation that the promotion of tobacco products through the design of packaging be eliminated.</p>	SCB2 688-718 (Overview) SCB2 719-842 (Roadmap) SCB3 843-1016 (Technical Report)
April 2010	The Prime Minister, the Treasurer and the Minister for Health and Ageing jointly announced an “Anti-Smoking Action” package based on the recommendations of the	EMB ³ 53

¹ “SCB” refers to the “Court Book (Schedule C Documents)”. In “SCBX Y”, X is the volume number of the SCB, Y is the page number of the SCB.

² “QRB” refers to the “Court Book (Reserved Questions)”. In “QRB X”, X is the page number of the QRB.

³ “EMB” refers to the “Extrinsic Materials”. In “EMB X”, X is the page number of the EMB.

Date	Description	References
	National Preventative Health Taskforce. One of the measures announced was plain packaging.	
May 2010	The Commonwealth published "Taking Preventative Action – A Response to Australia: The Healthiest Country by 2020", a report setting out the government's response to the reports and recommendations of the Taskforce.	SCB3 1018-1091
June 2010 - October 2011	The Commonwealth received four reports prepared by GfK bluemoon concerning market testing of new graphic health warnings.	SCB3 1092-1168 SCB3 1169-1297 SCB4 1320-1427 SCB4 1742-1819
Late 2010	The Commonwealth established an Expert Advisory Group to provide advice to the Commonwealth, through the Department of Health and Ageing, on plain packaging design and to oversee consumer research on design features.	SCB3 1310-1311
7 April 2011	The Commonwealth released an exposure draft of and consultation paper in respect of the <i>Tobacco Plain Packaging Bill 2011 (TPP Bill)</i> .	SCB3 1298-1319
25 May 2011	The Minister for Mental Health and Ageing tabled in the House of Representatives a number of studies and journal articles concerning plain packaging.	EMB 3
6 July 2011	The TPP Bill and the <i>Trade Marks Amendment (Tobacco Plain Packaging Bill) 2011 (Cth) (TM Amendment Bill)</i> were introduced and read a first time in the House of Representatives. Both were accompanied by an Explanatory Memorandum.	EMB 4-44 (TPP Bill Explanatory Memorandum) EMB 45-51 (TM Amendment Bill)

Date	Description	References
		Explanatory Memorandum) EMB 52-56 (TPP Bill Second Reading Speech) EMB 57-59 (TM Amendment Bill Second Reading Speech)
August and December 2011	The Department of Health and Ageing received two reports commissioned on the advice of the Expert Advisory Group and prepared by GfK bluemoon. The reports concern effective plain packaging for tobacco products.	SCB4 1428-1617 SCB4 1618-1724
22 August 2011	The House of Representatives Standing Committee on Health and Ageing released its Advisory Report on the TPP Bill and the TM Amendment Bill.	VNB ⁴ 102-140
24 August 2011	The TPP Bill and the TM Amendment Bill passed the House of Representatives.	
25 August 2011	The TPP Bill and the TM Amendment Bill were introduced and read a first time in the Senate.	
September 2011	The Australian Competition & Consumer Commission published a Consultation Paper on a proposed new graphic health warnings standard.	SCB4 1725-1741
19 September 2011	The Senate Legal and Constitutional Affairs Legislation Committee released its report on the TM Amendment Bill.	Not reproduced
10	The TPP Bill and the TM Amendment Bill passed the	EMB 58-63

⁴ "VNB" refers to the Court Book of Van Nelle Tabak Nederland BV and Imperial Tobacco Australia Limited (Intervening). In "VNB X", X is the page number of the VNB.

Date	Description	References
November 2011	Senate. The TPP Bill passed with amendments moved by the Government, accompanied by a Supplementary Explanatory Memorandum.	(Supplementary Explanatory Memorandum)
21 November 2011	The House of Representatives agreed to the Senate's amendments to the TPP Bill and the Bill is passed.	
1 December 2011	<p>The <i>Tobacco Plain Packaging Act 2011</i> (Cth) (TPP Act) and the <i>Trade Marks Amendment (Tobacco Plain Packaging) Act 2011</i> (Cth) receive Royal Assent.</p> <p>Sections 1 to 16, 28, 29, 81, 82, and 106 to 109 of the TPP Act commenced on assent.</p>	TPP Act s 2(1)
7 December 2011	The Governor-General of the Commonwealth made the <i>Tobacco Plain Packaging Regulations 2011</i> (Cth) (TPP Regulations). The Regulations were accompanied by an Explanatory Statement.	EMB 66-79 (Explanatory Statement)
22 December 2011	The Parliamentary Secretary to the Treasurer made the <i>Competition and Consumer (Tobacco) Information Standard 2011</i> (Cth) (2011 Standard). The Standard was accompanied by an Explanatory Statement.	EMB 80-93 (Explanatory Statement)
1 January 2012	The 2011 Standard commenced.	2011 Standard cl 1.2
8 March 2012	The Governor-General of the Commonwealth made the <i>Tobacco Plain Packaging Amendment Regulations 2012 (No 1)</i> (Cth). The Regulations were accompanied by an Explanatory Statement.	EMB 95-109 (Explanatory Statement)
1 October 2012	The TPP Regulations are to commence on the commencement of sections 17 to 27A of the TPP Act.	TPP Regulations r 1.1.2
1 October 2012 and 1 December 2012	The remainder of the provisions of the TPP Act are to commence.	TPP Act s 2(1)