

EAST ASIAN INTERNATIONAL ECONOMIC LAW & POLICY PROGRAMME
ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW
FACULTY OF LAW, UNIVERSITY OF HONG KONG

Seminar

Dispute Concerning the Plain Packaging of Tobacco Products

Professor Andrew Mitchell

Melbourne Law School, The University of Melbourne

Wednesday, 12 December 2012, 12:30 – 1:30 pm
Academic Conference Room, 11/F Cheng Yu Tung Tower
Centennial Campus, The University of Hong Kong

The Australian Commonwealth Government has committed itself to the standardising packaging of tobacco products (plain packaging). It has passed 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.

Professor Andrew Mitchell 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 previous employers include the IMF, the OECD, Davis Polk & Wardwell, and Allens. Andrew also consults for States, the private sector and governmental and non-governmental organisations. He has held visiting positions at the Lauterpacht Research Centre for International Law, the British Institute of International and Comparative Law, the London School of Economics, the International Arbitration Group of WilmerHale, and the Institute of International Economic Law. He has over 90 academic publications and has taught at numerous other law schools in Canada, the US and Australia.

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email Flora Leung at fkleung@hku.hk to reserve a place.**

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