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August 9, 2022

Senator Don Farrell, Minister for Trade and Tourism
Senator Tim Ayres, Assistant Minister for Trade and Manufacturing
Parliament House
Canberra

Cc Mark Butler MP, Minister for Health and Aged Care, Ed Husic MP, Minister for Industry and Science

Dear Ministers,

Meeting re Australia's implementation of the WTO Ministerial decision on the TRIPS agreement and other measures to address global inequity in access to COVID-19 medicines

We wrote to you in May 2022 urging you to implement Labor's pre-election support for the comprehensive WTO TRIPS waiver proposed by India and South Africa applying to all forms of intellectual property and to COVID-19 related vaccines, treatments and tests and urging the previous government to sponsor it¹.

We urged you to continue support for a comprehensive waiver in the debate at the WTO Ministerial conference held in June 2022.

The outcome of the June 17 decision at the WTO ministerial conference fell short of a comprehensive waiver, because it only applies to patents, not other forms of intellectual property, and only applies to vaccines, with a decision on treatments and test delayed for six months. It also contains some practical restrictions which will make it difficult for developing countries to use.

For these reasons we are concerned that it may not actually result in increased production of affordable vaccines, treatments and tests in developing countries.

We believe the Australian government should take further active steps to address the global inequity that sees over 80% of people in countries like Australia with at least two doses of vaccines, and many with third and fourth doses, while less than 20% of people in low-income countries have had one dose².

¹ Madeleine King (2021) Tehan must lead on TRIPS waiver, October 13, <https://www.madeleineking.com.au/media-centre/portfolio-releases/tehan-must-lead-on-covid-19-trips-waiver/>.

² Our World in Data (2022) July 26, <https://ourworldindata.org/covid-vaccinations>.

The COVAX donation scheme failed to meet its modest target of vaccinating 20% in low-income countries with two doses by the end of 2021³. Donations alone cannot address this global inequity.

Recent modelling has shown that while vaccination saved an estimated 7.4 million lives in low-income countries in 2021, if COVAX had met its 20% target, an additional 156,900 deaths would have been avoided. If the World Health Organization's goal of 40% vaccine coverage had been reached, almost 600,000 more lives would have been saved⁴.

More new variants are requiring new vaccines and new treatments which are being developed, but these are even less available in low-income countries.

The Australian government has ordered 255 million vaccines from four pharmaceutical companies, with 60 million administered around the country, and roughly 40 million doses donated around the Indo-Pacific region. Even with the expected increased uptake of third and fourth doses over winter, Australia may have a surplus of over 100 million doses, some of which are due to expire⁵

The government is looking at options to distribute this surplus and has appointed Jane Halton to conduct a review of the government's existing vaccine contracts.⁶

We urge the government to learn from previous mistakes in distributing surplus vaccines to low-income countries, when distribution has been badly planned, with vaccines arriving too close to their expiry dates. Donated vaccines must be a long way from their expiry date, should be a mix of brands, and should come with support to administer them.

Beyond the distribution of surplus vaccines, we would like to discuss the following positive measures that the government could take to promote the production of more COVID vaccines for low-income countries⁷.

1. The government should support global initiatives to waive intellectual property rights in meaningful ways that enable low- and middle-income countries to manufacture products

³ Adam Taylor (2021) Covax promised 2 billion vaccine doses to help the world's neediest in 2021. It won't deliver even half that, December 10, <https://www.washingtonpost.com/world/2021/12/10/covax-doses-delivered/> see also Deborah Gleeson in *The Conversation* cited below.

⁴ Oliver Watson et al, (2022) Global impact of the first year of Covid 19 vaccination: a mathematical modelling study, *The Lancet*, June 23, [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(22\)00320-6/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(22)00320-6/fulltext)

⁵ Tim Lowrey, (2022) Australia has ordered millions more COVID vaccines than it needs. What are the options to deal with them? ABC News, July 18, https://www.abc.net.au/news/2022-07-18/australia-covid-vaccine-surplus-options/101237430?utm_source=sfmc&utm_medium=email&utm_campaign=abc_news_newsmail_am_sfmc&utm_term=&utm_id=1903945&sfmc_id=103588141

⁶ ABC (2022) Health Minister launches review of former government's COVID-19 vaccine deals, existing supplies, June 30, <https://www.abc.net.au/news/2022-06-30/federal-government-launches-covid-vaccine-deal-review/101196650>

⁷ These points are based on Deborah Gleeson, (2022) While Australians line up for COVID boosters, low vaccination rates in poor countries continue to cost lives, *The Conversation*, July 18, <https://theconversation.com/while-australians-line-up-for-covid-boosters-low-vaccination-rates-in-poor-countries-continue-to-cost-lives-186736>

needed for public health emergencies. This includes implementing WTO Ministerial decision to include COVID-19 treatments and tests within six months.

The Government should support the proposal made in the WTO TRIPS meeting of July 6 by India, South Africa, Indonesia, Egypt, Pakistan and Tanzania for multiple meetings in September, October and November ahead of the December deadline to reach a decision about waiving intellectual property rights on all COVID-related medicines and diagnostic tests⁸.

2. The government should provide funds and practical help to build production capacity in developing countries, like the WHO regional tech transfer hub being developed in South Africa⁹, and should support similar WHO hubs in the Indo Pacific region.
3. The government should ensure that companies developing and manufacturing COVID-related products in Australia share their intellectual property and know-how to enable more widespread manufacturing in developing countries. This can be achieved by placing conditions on public funding invested in research and development and other subsidies.
4. The government should support the inclusion of provisions in the pandemic treaty being negotiated at the World Health Organization that require the sharing of intellectual property and know-how for medical tools for future pandemics.

We would welcome the opportunity to meet and discuss these proposals with you at your earliest convenience.

Yours sincerely



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This letter is endorsed by the following organisations:

Australian Fair Trade and Investment Network (AFTINET)
Amnesty international
Action Aid Australia
International Nepal fellowship Australia
Oxfam Australia
Public Health Association of Australia
Uniting Church in Australia Synod of Victoria and Tasmania

⁸ WTO, (2022) TRIPS meeting July 6, https://www.wto.org/english/news_e/news22_e/trip_08jul22_e.htm

⁹ Amy Maxmen, (2022) South African scientists copy Moderna's COVID vaccine in Nature, February 3, <https://www.nature.com/articles/d41586-022-00293-2>.