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Secret Trans-Pacific (TPP) deal lacks detail on medicines, includes corporate rights to sue governments

“The announcement of a secret ‘in principle’ TPP deal without publication of the text may hide shameful trade-offs on issues like medicines and corporate rights to sue governments. These should be decided through open democratic parliamentary processes, not secretly traded away for token access to sugar or dairy markets,” said Dr Patricia Ranald, Coordinator of the Australian Fair Trade and Investment Network.

“The lack of access to details in the text means governments can put a positive spin on the deal, but the devil is in the detail, and we won’t have the detail for at least another month. This secret and undemocratic process was slammed by a recent Senate Inquiry report aptly titled [Blind Agreement](#),” said Dr Ranald.

“We note the assurances of Trade Minister Andrew Robb that Australia has not agreed to immediate extension of monopolies on costly life-saving biologic medicines beyond the current Australian standard of five years. The US government was seeking an extension from 5 to 8 years which would cost the Pharmaceutical Benefits Scheme [hundreds of millions of dollars](#) for every year of delay for cheaper versions to become available. This would lead to pressure for higher prices at the chemist.

“However, we note these assurances are weakened by the fact that the US is claiming that 5 years is a minimum standard and there is a “voluntary” agreement using administrative means for an additional three years of monopoly on biologics, referred to as ‘5 years+3 years’. Without the detail of the text it is difficult to know exactly what impact this will have,” said Dr Ranald.

“Australia has agreed to the inclusion of rights for foreign investors to sue governments in international tribunals if they can argue that a change in domestic law or policy ‘harms’ their investment, known as Investor-State Dispute Settlement (ISDS). There are increasing numbers of such cases against health and environmental law, like the Philip Morris tobacco company case against Australia’s plain packaging law, which is still not finished after four years. Claimed ‘[safeguards](#)’ have not prevented such cases in the past, and again the detail in the TPP is not available.

“The US has been driving this agenda on behalf of its most powerful export industries for over five years. The negotiations have been run to a timetable set by the Canadian elections and the US presidential elections. The TPP is so unpopular in both these countries that governments want it to be agreed before democratic debate about it can influence the vote.

“If this is such a good deal, the text should be released before the decision to sign it is made by governments. Failing this, we will analyse the text when it becomes available. If it is not in the public interest we will campaign against the implementing legislation when it comes before the Australian Senate,” said Dr Ranald.

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