



# NSW NURSES AND MIDWIVES' ASSOCIATION **MEDIA RELEASE**

General Secretary: Brett Holmes | Assistant General Secretary: Judith Kiejda  
P (02) 8595 1234 | [www.facebook.com/nswnma](https://www.facebook.com/nswnma) | [twitter.com/nswnma](https://twitter.com/nswnma)

8 November, 2015

## TPP text raises more health questions than answers for Australia

Preliminary analysis of the Trans Pacific Partnership (TPP) text, released late last Thursday, leaves Federal Trade Minister, Andrew Robb, with serious questions to answer, according to the NSW Nurses and Midwives' Association (NSWNMA).

The TPP is a free trade agreement, signed in October, between 12 Pacific Rim nations including Australia, the United States, Japan, Canada and New Zealand.

Assistant General Secretary of the NSWNMA, Judith Kiejda, said throughout five years of secret negotiations the question of health had been of significant concern.

"The problem with the negotiation process for free trade agreements is there is no independent health impact assessment – we risk trading away access to affordable medicines for lucrative sugar exports," said Ms Kiejda.

"What we now know about the TPP text, and what we are yet to learn, leaves us very concerned as health professionals.

"Assurances by Minister Robb that Australia's health care system would not be impacted seem to have amounted to very little."

Ms Kiejda said whilst a five-year data exclusivity on biologic medicines remained in the TPP text (the US had sought eight years), Australia appears obligated to drag the process out to eight years through administrative processes.

"It's not clear what this means exactly for Australia as the explanatory notes are not available," Ms Kiejda said.

Added to this concern is a clause that would allow patents on existing drugs to be easily extended with new uses or forms.

Ms Kiejda said this meant access to generic, affordable medicines would reduce over time in Australia and individuals or the government would be forced to pay more for medicines.

"Whilst this is bad news for Australians, it will be even more devastating for developing nations. We know that transition periods for developing nations are too short," said Ms Kiejda.

Under the TPP, Australia's Pharmaceutical Benefits Scheme appears to be at an increased risk from drug companies being afforded a greater say during 'relevant' points in their manufacture. How these 'relevant' points are determined is currently unclear and would likely increase the risk of litigation.

Fear of litigation applying to health care has been compounded, with the inclusion of Investor State Dispute Settlement (ISDS) processes in the TPP text. Previous leaked versions of the text indicated Australia was exempt from this controversial process however, the exemption no longer exists.



“There are many international examples of drug companies suing governments because of the decisions of their PBS system,” Ms Kiejda said.

“If governments can’t make decisions about appropriate health care provision, for fear of being sued, we need to ask ‘In whose interest are these deals being negotiated?’”.

“We need detailed information as to how the TPP will affect medicines in Australia – this needs full public disclosure and examination before Federal cabinet sign off”.

Michael Whaites, Sub-Regional Secretary for Public Services International (PSI), added to the NSWNMA’s concerns about the significance of the TPP text, in particular, the chapter referring to workers’ rights.

Mr Whaites said there was concern the TPP text failed to enforce the rights of workers or the implementation of core International Labour Organization standards.

“There appears to be nothing new in the TPP and we may well be in the same situation as Egyptian workers who won an increase in the minimum wage, only to see a foreign multi-national commence legal action against the government for having dared to try and improve the lives of workers,” said Mr Whaites.

“This is a clear demonstration that ISDS provisions seem to override ever other intention within free trade agreements.”

---

#### **MEDIA CONTACTS:**

Judith Kiejda, Assistant General Secretary, NSWNMA 0414 674 119

Michael Whaites, Sub-Regional Secretary, Public Services International 0414 550 386