



## **Senator the Hon Simon Birmingham**

Minister for Trade, Tourism and Investment  
Leader of the Government in the Senate  
Senator for South Australia

Our Ref: MC20-008840

Mr Terry Slevin  
Chief Executive Officer  
Public Health Association of Australia  
PO Box 319  
CURTIN ACT 2605

Dear Mr Slevin

Thank you for your letter of 13 November 2020 regarding the proposal from India and South Africa to waive certain TRIPS Agreement obligations for the duration of the COVID-19 pandemic. I note your letter was addressed to the Minister for Foreign Affairs, Senator the Hon Marise Payne, the Attorney-General, the Hon Christian Porter MP, the Minister for International Development and the Pacific and Assistant Minister for Defence, the Hon Alex Hawke MP, and myself. I am replying on behalf of my ministerial colleagues.

The Government is fully committed to ensuring Australia – and our region – can recover as quickly as possible from the COVID-19 pandemic. Fundamental to this is continuing our efforts to secure and distribute a vaccine. Prime Minister Morrison made clear, at the UN General Assembly in September, Australia's view that there is a global and moral responsibility on all countries to share a COVID-19 vaccine far and wide. He said that if Australia finds a vaccine, we will share it, and he urged all countries to make that pledge.

To this end, we have announced a \$500 million COVID-19 Vaccine Access and Health Security Initiative for the Pacific and Southeast Asia, building on start-up funding of \$23 million announced in the Federal Budget. Australia has also committed \$80 million to the Gavi COVAX Advance Market Commitment, which will improve access for 92 developing countries to safe, effective and affordable COVID-19 vaccines. We have invested a further \$20 million in the development of COVID-19 vaccines in Australia for the greater global good and made a \$7.5 million contribution to the Coalition for Epidemic Preparedness Innovations, which is supporting nine of the leading COVID-19 vaccine candidates globally.

These initiatives are underpinned by international intellectual property (IP) rules, which promote supply chain certainty and can help maximise global manufacturing capacity. This will support organised, timely and widespread access to COVID-19 medicines and diagnostics. IP rules also support the development and distribution of safe and effective COVID-19 vaccines.

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**Adelaide**

107 Sir Donald Bradman Drive, Hilton SA 5033  
Ph 08 8354 1644

**Canberra**

Parliament House Canberra ACT 2600  
Ph 02 6277 7420

Australia explained at the TRIPS Council in October, a broad waiver of IP rules risks slowing these efforts and thereby undermining Australia's commitment to equitable and widespread access to COVID-19 health products.

Australia is confident the in-built flexibilities in the TRIPS Agreement can support affordable access to patented products if needed. Our aim, however, is to work with like-minded partners to develop, promote and support international mechanisms to ensure the equitable and widespread access to COVID-19 health products. We are, nonetheless, committed to ensuring existing TRIPS flexibilities are practical and easy to use should they be required.

COVID-19 is an unprecedented global challenge, and there are many issues impacting how quickly we can achieve widespread access to COVID-19 medicines, diagnostics and vaccines. As noted in the WHO-WTO-WIPO Trilateral Report "*Promoting Access to Medical Technologies and Innovation*", lack of access to medical technologies is rarely due to a single isolated factor. This is why we continue to underscore the importance of regulations that support the free flow of affordable health products and the need to resist export restrictions. As part of our Regional Vaccine Access and Health Security Initiative, we are also providing technical assistance to our regional development partners to support widespread immunisation efforts, including in the area of rigorous regulatory review and market authorisation.

Thank you for bringing the views of Public Health Association of Australia to the Government's attention.

Yours sincerely



**Simon Birmingham**

15 DEC 2020

cc.

Senator the Hon Marise Payne, Minister for Foreign Affairs and Minister for Women;  
The Hon Christian Porter MP, Attorney-General and Minister for Industrial Relations;  
The Hon Greg Hunt MP, Minister for Health and Minister Assisting the Prime Minister for the Public Service and Cabinet;  
The Hon Alex Hawke MP, Minister for International Development and the Pacific and Assistant Defence Minister