



11 March 2016

Submission to the Foreign Affairs, Defence and Trade Select Committee

International treaty examination of the Trans-Pacific Partnership Agreement

The New Zealand College of Public Health Medicine (NZCPHM) would like to make a submission to the Foreign Affairs, Defence and Trade Select Committee on the Trans-Pacific Partnership Agreement (TPPA) and the four related intellectual property issues. The NZCPHM would also welcome the opportunity to appear before the Committee on this matter.

About the NZCPHM

The NZCPHM is the professional body representing the medical specialty of public health medicine in New Zealand. We have 227 members, all of whom are medical doctors, including 190 fully qualified Public Health Medicine Specialists with the majority of the remainder being registrars training in the specialty of public health medicine.

Public Health Medicine is the branch of medicine concerned with the assessment of population health and health care needs, the development of policy and strategy, health promotion, the control and prevention of disease, and the organisation of services. The NZCPHM strives to achieve health gain and equity for our population, reducing inequalities across socioeconomic and cultural groups, and promoting environments in which everyone can be healthy.

Submission

The NZCPHM recognises that free trade agreements can have significant population health implications. There are three areas of concern that the NZCPHM wishes the Committee to consider as part of its review of the Agreement.

Health Impact Assessment

Considering the serious impact the TPP could have on New Zealand's ability to self-regulate its own public policy, the NZCPHM is not confident that the rights and health of New Zealanders are adequately protected. The NZCPHM strongly urges the Committee to undertake an independent Health Impact Assessment (HIA) as part of its Treaty examination and before the Agreement is ratified.

PHARMAC

The NZCPHM submits to the Committee that the existing PHARMAC operating model must be preserved.

The NZCPHM supports the supply of effective medicines at an affordable cost, and acknowledges the PHARMAC model as a successful model of cost containment for the provision of pharmaceuticals.

If New Zealand's ability to freely make choices about its spending on pharmaceuticals and devices is threatened, the health and wellbeing of our population will be compromised.

Investor-State Dispute Settlement (ISDS)

The NZCPHM recommends careful consideration of the impact of investor-state dispute resolution clauses on broader health issues. In particular, the implications of all clauses for Treaty of Waitangi obligations need to be carefully examined to ensure that Māori rights are not eroded.

International experience suggests multinational corporations will utilise ISDS provisions to sue, with targets for this form of action including drinking water provision, tobacco (plain paper packaging) and alcohol regulations, environmental protections and indigenous resources.^{1,2} The ISD clauses could also apply to climate change mitigation measures, food standards, food labelling (e.g. rating systems or antibiotic use during production) and public services (such as ACC and private ownership of healthcare or aged care facilities).

While there are many known issues that may be impacted by the TPPA, it is impossible to know what substances, products or other health risks may arise in future that require Government regulation.

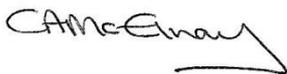
Therefore, we recommend that the Government should use the 'precautionary principle' to maintain flexibility over NZ public policies and legislation. It is insufficient to merely include exceptions for particular health and environmental issues.

Conclusion

In summary the NZCPHM calls for:

- An independent Health Impact Assessment of the TPPA as part of the Committee's review, with results made public
- Careful consideration of the impact of investor-state dispute resolution clauses on both the known and unknown broader health risks
- The prioritisation of the New Zealand Government's ability to protect the health and environment of its citizens.

Yours faithfully,



Caroline McElnay, President, NZCPHM

¹ Faunce TA, Townsend R. The Trans-Pacific Partnership Agreement: challenges for Australian health and medicine policies. Medical Journal of Australia 2011;194:83-86. (http://www.mja.com.au/public/issues/194_02_170111/fau10721_fm.html)

² Gleeson D, Friel S. Emerging threats to public health from regional trade agreements. Lancet 2013; 381:1507-9.