



Dissenting Report—Mr Wilkie MP, Senator Kirk, Senator Marshall, Senator Stephens, Mr Evans MP and the Hon Mr Adams MP

A treaty of the magnitude of the Australia — United States Free Trade Agreement requires substantial analysis and consideration by the Committee and the Parliament in order to determine that the eventual outcome is in the national interest and that the associated consequential legislative, regulatory and administrative actions contemplated by the Treaty are also consistent with the national interest.

Therefore, the dissenting Members:

1. Believe an extension of time should have been sought from the Minister for consideration of the Treaty to allow adequate time to review the evidence presented and to prepare the Report of the Committee.
2. Consider that given the interdependency of the consideration of the Treaty and the legislative, regulatory and administrative measures which must be taken to implement the various terms of the Treaty, it is not possible to determine if it is in the national interest for binding Treaty action to be taken, without first considering the terms of such measures as
 - the appeal mechanism to be established with respect to the PBS and the implications for generic medications.
 - access by universities, educational institutions and libraries to copyright material under the proposed arrangements
 - an environmental impact review of the Treaty
 - legislative safeguards for local content rules subject to ratchet provisions of the Treaty

3. Support the Recommendations contained in Chapters 1 to 17 but oppose the Conclusions in Chapter 18 as they consider these conclusions are premature at this time.
4. Recommend that binding treaty action should not be taken until adequate opportunity has been given to consider the necessary legislative, regulatory and administrative action that underpins the implementation of the Treaty in order to ensure the combination of the Treaty and the associated domestic action is, when taken together, in the national interest. This decision can only be sensibly taken on an informed basis when the relevant measures are tabled before the Parliament or detailed statements are made to Parliament on the structure of non-legislative mechanisms or issues.

Mr Kim Wilkie MP

Senator Gavin Marshall

Hon Dick Adams MP

Senator Linda Kirk

Mr Martyn Evans MP

Senator Ursula Stephens