

Stand up to Europe on vaccines

Australia is right to insist our contractual obligations be honoured and not bow to European protectionism.



Steven Hamilton and Richard Holden

Italy is leading the European Union into full-blown vaccine protectionism. Late last week, it blocked the export of a quarter of a million doses of the AstraZeneca vaccine that Australia had contracted for.

Italian Foreign Affairs Minister Luigi Di Maio's spurious reasoning was twofold. First, there were delays in Europe getting sufficient vaccine and so letting any doses go abroad was unacceptable. Second, Australia had a low rate of infection so didn't need the vaccine as much.

As he put it: "As long as these delays remain, it is right for the countries of the European Union to block exports toward nations that are 'not vulnerable' as a response to the failure of companies to respect commitments."

The French look set to pile on, with Health Minister Olivier Veran saying: "I understand [Italy's] view. We could do the same thing."

Unbelievably, some in Australia have endorsed these actions on the basis it would be selfish to take doses away from other countries struggling with outbreaks.

Yet the Australian government is perfectly within its rights to insist our contractual obligations be honoured. Moreover, Trade Minister Dan Tehan was exactly right to raise this protectionism with the World Trade

Organisation's new Director-General Ngozi Okonjo-Iweala. In fact, the Australian government isn't just within its rights to fight this protectionism – it is its obligation to do so.

But is such a position, "Australia first", in the spirit of Donald Trump's "America first"? Actually, no. The crucial difference is that Australia is seeking to uphold international institutions rather than degrade them.

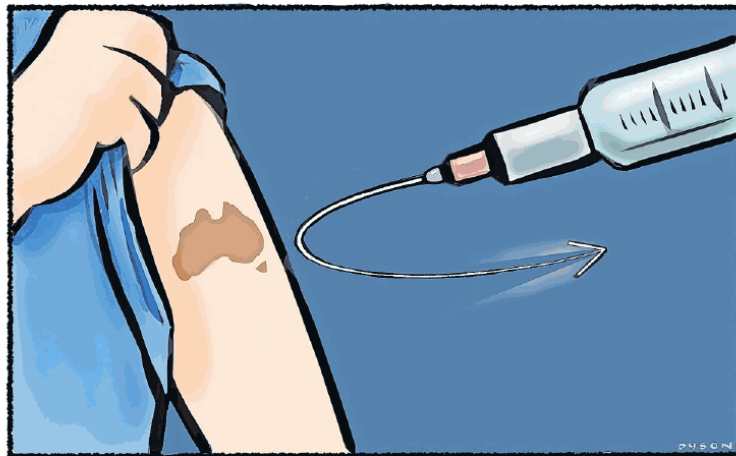
Trump's most notable "America first" policies involved things such as placing large tariffs on Chinese goods in breach of America's WTO obligations. Given the size and importance of the US, this had the potential to damage the WTO.

Similarly, threatening to pull out of the North Atlantic Treaty Organisation, or NATO, unless other members coughed up more in dues ran the risk of destroying NATO – a cornerstone of international security for decades.

And Trump pulling out of the World Health Organisation over its handling of the pandemic seriously damaged the WTO's credibility.

The situation Australia faces over the export of vaccine doses to which we have a legal entitlement is in fact exactly the opposite. In this instance, it is Europe flouting the rules of the international community and in particular the WTO. Perhaps that is why it has been reported the WTO director-general was sympathetic to Tehan's plea.

There are at least four good reasons why we're right to stand up to Europe. First, why should Australia be punished for handling the crisis well? Our world-leading



performance isn't merely luck – governments at all levels made prudent decisions early on. NSW has led the world in contact tracing. Melbourne endured the longest lockdown on Earth. We've endured a year-long international border closure, isolating many from their

and consumer confidence. We continue to bear the tremendous cost of international border closures. Without vaccinations, our economy cannot return to normal.

Third, while the vaccines would indeed be of greater use in Europe in preventing hospitalisations and deaths, the prospect of their helping secure herd immunity – where the virus is eliminated by lowering transmission – is far greater here where there is already no community transmission. Since AstraZeneca has only about 70 per cent efficacy, in a high-infection country such as Italy there will still be cases floating around as vaccines are rolled out. COVID-19 may never be fully vanquished there – but here, we can keep it that way.

Last, Europe still can't get its act together. Of the 1.5 million doses of AstraZeneca Italy has received, it has handed out just 322,000. For the EU as a whole, only 3.15 million

doses have been administered out of the 8.68 million delivered. Australia will surely do better.

Moreover, the EU skimped on vaccine procurement, emphasising within-EU solidarity and preferring to pinch pennies rather than contract for a sufficient number of doses. And Germany's vaccination committee have flip-flopped on whether over-65s should get the AstraZeneca vaccine. The EU regulatory and administrative state has been a shambles – Australia shouldn't pay for its failures.

In sum, there's absolutely nothing wrong and everything right with standing up for our right to the vaccines we're legally entitled to.

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Why should Australia be punished for handling the crisis well?

loved ones. It's wrong to punish us for our hard-earned success and sets a dangerous precedent.

Second, Australia still has much to lose. The leaks in hotel quarantine have reminded us of the ever-present threat of a major outbreak. Every lockdown shatters business

As a Heydon inquiry witness, I must speak now

I was a witness in the investigation into the allegations of sexual harassment against the former justice of the High Court of Australia Dyson Heydon.

That has given me an unusual perspective on the debate over whether it would be appropriate to conduct an investigation into allegations against Christian Porter, because that inquiry provided an example of how another branch of government dealt with allegations of sexual misconduct, albeit of a different nature.

Based on what I saw during that investigation, I feel compelled to make a few points about the current debate over how to deal with the allegations of rape and sexual misconduct in Australian politics.

First, I disagree that an investigation into the allegations against the Attorney-General would destroy the rule of law. What does undermine the rule of law is when the public perceives those in power can act with impunity and that different rules apply to them.



Sharona Coutts

A serious investigation actually strengthens the rule of law. The High Court investigation could not have been further from a "mob" process. The way Chief Justice Kiefel handled the Heydon allegations not only restored my confidence in the institution she leads but increased it.

An independent investigation is perhaps the only way Porter, or someone in his position, could get natural justice in circumstances such as these.

Porter has said he doesn't see what more he could say to an investigation. Be that as it may, the reality is that while some believed his denials, others did not. It is difficult to see how we have an inquiry into the culture in Parliament without addressing the allegations against our top law officer.

Second, we need to dispel the confusion between criminal processes and all the other ways we can handle allegations of misconduct. The calls for an investigation are not about a criminal proceeding. This is not about jail; it's about a job.

Let's agree that no one has a "right" to hold public office. It is a privilege. The public deserves the best possible representation. That is why conduct that falls far short of a crime can still disqualify a person from public office.

Yet when it comes to sexual misconduct, some apply the far higher standard of criminal law, arguing a person cannot lose their job unless it is proved they have committed a crime. Allegations of sexual misconduct can be criminal matters, but they can also be professional, employment and reputational issues – including the reputation of an institution.

Many have echoed the Attorney-General's fear that, if we establish an investigation into these claims, then anyone's career could be

destroyed by a mere allegation. It's worth remembering the Heydon investigation was not a public inquiry. An investigation does not have to be a show trial. This appears to me to be a deliberate red herring.

There is a lot of daylight between saying the only way to deal with an allegation is to refer it to the police versus allowing trial by media. We have recent examples that give some ideas for ways to proceed, including from a co-equal branch of government. Why should we accept that our Parliament is held to lower standards than our courts or, indeed, the private sector?

Also, this focus on how investigations could impact the subjects of allegations has overshadowed the role they could play for the alleged victims. Porter may not have anything to add but that shouldn't preclude others from having a responsible forum where they can have their say. In this case, an investigation would serve as the only way the alleged victim's story could be heard – albeit, tragically, in her absence. Being heard matters

for her friends, family and countless others. So much about sexual misconduct involves transferring shame and fear onto the victims instead of the perpetrators. We understand the importance of being heard when it comes to truth and reconciliation commissions, but we don't yet seem to understand it in relation to sexual abuse.

Of course, we can't launch an investigation into every allegation. Unavoidably, a leader – be they a prime minister, a chief justice, or a corporate leader – must exercise judgment in deciding which allegations warrant an investigation. A leader can't outsource that task to the police, because it goes to making judgments about the culture of an institution as well as to potential criminal matters.

They need to understand that women are people in our own right, irrespective of our relationships to men, and a mere denial does not end the matter.

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