

ADDITIONAL COMMENTS

SENATORS COONAN AND HEFFERNAN.

While we agree with all of the Report's recommendations we are of the view that the Report, regrettably, does not contain a recommendation to the effect that the Patents Act, 1990 be amended to ban the grant of patents over biological materials which are identical or substantially identical to such materials as they exist in nature.

In short, the Report fails to address the very issue which triggered this inquiry in the first place – gene patents.

Unfortunately, while the Report states that the Bill introduced into the Senate to ban gene patents is providing a "much-needed opportunity for the arguments and questions around the impacts and effectiveness of an express prohibition on gene patents to be considered" (para 4.135), we are of the view that the evidence presented to this Committee is sufficient to support the call for the implementation of such a ban. The time has come, after more than two years, for action. More talk, which is what this Report suggests as "much-needed" we believe will simply delay necessary action to prohibit gene patents.

Senators Coonan and Heffernan therefore recommend that the Patents Act be amended to ban the grant of patents over biological materials which are identical or substantially identical to such materials as they exist in nature.

Senator the Hon. Bill Heffernan
Liberal Senator for New South Wales

Senator the Hon. Helen Coonan
Liberal Senator for New South Wales

