

Report

Inquiry into gene patents

Referral of inquiry

On 11 November 2008 the Senate referred matters relating to the patenting of human genes and genetic materials to the Senate Community Affairs Committee (the committee) for inquiry and report by the last sitting day of 2009.¹ On the basis of the official schedule of sittings, the committee was therefore required to report by 26 November 2009.

The terms of reference for the inquiry directed the committee to inquire into:

The impact of the granting of patents in Australia over human and microbial genes and non-coding sequences, proteins, and their derivatives, including those materials in an isolated form, with particular reference to:

- (a) the impact which the granting of patent monopolies over such materials has had, is having, and may have had on:
 - (i) the provision and costs of healthcare;
 - (ii) the provision of training and accreditation for healthcare professionals;
 - (iii) the progress in medical research; and
 - (iv) the health and wellbeing of the Australian people;
- (b) identifying measures that would ameliorate any adverse impacts arising from the granting of patents over such materials, including whether the Patents Act 1990 should be amended, in light of the any matters identified by the inquiry; and
- (c) whether the Patents Act 1990 should be amended so as to expressly prohibit the grant of patent monopolies over such materials.

On 24 November 2009, the Senate agreed to an extension of time for the committee to present its report. The committee sought this extension because it required more time to consider the extensive evidence received and the complex nature of many issues associated with this inquiry.

On 23 February 2010, the Senate granted an extension of time until 17 June 2010. A further extension of time was granted on 16 June 2010 until 2 September 2010.

1 Following the restructuring of Senate Committees on 13 May 2009, the inquiry was continued by the Senate Community Affairs References Committee.

Conduct of inquiry

In accordance with usual practice, the inquiry was advertised in *The Australian* and on the Internet inviting submissions by 19 March 2009. The committee also wrote directly to a number of organisations and individuals inviting submissions to the inquiry.

The committee received 78 public submissions. During the inquiry, the committee also received additional information and answers to questions taken on notice. This documentation is listed on the committee's website.

The committee held 8 public hearings for the inquiry. These took place in Canberra (19 March 2009, 20 August 2009, 14 September 2009, 18 May 2010 and 15 June 2010); Melbourne (3 & 4 August 2009); and Sydney (5 August 2009). Hansard transcripts of these hearings are available on the committee's website.

Conclusion

On 19 July 2010, the Governor-General prorogued the 42nd Parliament and dissolved the House of Representatives. After due consideration, the committee has determined that it is unable to provide a comprehensive report at this time. The committee will reconsider the issues of this inquiry in the event that it is re-referred to the committee in the new parliament.

Senator Rachel Siewert
Chair