

Ms Julie Dennett  
Committee Secretary  
Senate Standing Committee on Legal and Constitutional Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia



February 14, 2011

Dear Ms Dennett

**Submission to Senate Standing Committee on Legal and Constitutional Affairs -  
Inquiry into the Patent Amendment (Human Genes and Biological Materials)  
Bill 2010 (*Bill*)**

I wish to provide this submission to the Senate Standing Committee on Legal and Constitutional Affairs (*Committee*) in its inquiry on the Bill.

I ask the Committee to consider our submission in the context of the effects that the Bill (if passed in its current form) would have on the Australian biotechnology and pharmaceutical industries.

The Bill proposes to exclude the patenting of the following under Australian law:

*'biological materials including their components and derivatives, whether isolated or purified or not and however made, which are identical or substantially identical to, such materials as they exist in nature.'*

In my view, the effects of this ban on the patenting of biological materials would be extremely broad, and may have serious consequences for the Australian biotechnology and pharmaceutical industries and for research and development in this country more generally.

The commercial impact this Bill will have on the Biotechnology industry, along with the large number of businesses that service this industry will be devastating. The removal of the current patent law will undeniably discourage a vast number of businesses to invest at the research point. This will transpire into job losses for research scientists and a reduction in the number of graduate placements in the scientific sector which our universities so heavily rely upon. As a business that has existed since 1988 to service the Biotechnology and Pharmaceutical industries, we will be absolutely and negatively affected by the passing of this Bill in its current form.

**Submission**

For the reasons outlined above, we strongly urge the Committee to reject the proposed amendment to the *Patents Act 1990*.

As an alternative, we urge the Committee to review and consider the recommendations of the Australian Law Reform Commission's report on gene patenting and human health from 2004.

Yours faithfully

Daniel Hare  
National Client Services Manager  
ChemSkill

On Behalf of

Helen J Patronis  
Managing Director

ChemSkill