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Dear Ms. Dennett,

RE: Inquiry into Patent Amendment (Human Genes and Biological Materials) Bill 2010

Response to Senator Heffernan's amendment, tabled 28 April 2011

Having read the proposed amendment, I propose that the words "or substantially identical" be added to the definition of 'identical', for the purpose of the enactment. This acknowledges that complementary DNA or cDNA lacks certain components of DNA as it occurs in nature, but is still more alike than unlike its natural counterpart.

Patents should not be granted merely because a gene or genes can be extracted or copied as cDNA. Researchers should be required to show that the extraction or isolation of a gene has led to a patentable invention; this is something that is substantially original which is the result of their labours and contributes to knowledge in an area of inquiry. A Note in these terms should be placed under the definition to assist interpretation.

Yours faithfully,

Adam Johnston

1 May 2011