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To whom it may concern,

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

Agrifood Awareness Australia Limited is an industry organisation established to increase public awareness of, and encourage informed debate and decision making about, gene technology particularly as it applies to agriculture.

The *Patent Amendment (Human Genes and Biological Materials) Bill 2010* proposes to amend subsection 18(2) of the *Patents Act 1990* to exclude the patentability of "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".

While the initial focus of this Bill was on medical applications, the Bill as it is written has far reaching impacts and would have a negative effect on research and development in Australia, specifically in biotechnology and the development of genetically modified (GM) crops.

Patents provide an exclusive period of time in which a patent owner may exploit their invention (for up to 20 years) after years of costly research and development. Patents do not stop another individual or organisation from developing a competing technology. Patents must disclose all details of the invention so that they can be repeated. As it frequently takes many years to progress an invention from a laboratory to a commercial product, there is often only a few years of life left on a patent once the public has access to the invention. Once the patent expires the invention can be used by anyone.

This proposed Bill will impact all areas of biotechnology research and development, including Australian agriculture. The Bill as it is currently drafted bans patents on all biological materials. This would have a severe impact on investment in agriculture biotechnology innovation in Australia. It would essentially see much of Australia's agriculture R&D investment reduced, including advanced research in plant science. This would have negative consequences for the agriculture sector, leading to a decline in the global competitiveness of our agriculture sectors with flow-on impacts to rural and regional communities.

We strongly recommend the rejection of this Bill, to ensure the continuation and expansion of agricultural biotechnology R&D investment in Australia.

Yours sincerely,

Paula Fitzgerald  
**Executive Director**