

Senate Standing Committee on Economics
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Budget Estimates Hearing 2010-11
31 May 2010

AGENCY/DEPARTMENT: AUSTRALIAN RESEARCH COUNCIL

TOPIC: Role of IP Laws in Research

REFERENCE: Question on Notice (Hansard 31 May 2010, E41-42)

QUESTION No.: B1-21

Senator HEFFERNAN—One of the great restrictions—the IP are waiting patiently down the back—in recent years is that through very broad interpretation of patent law we have not drawn a line between discovery and invention.....Are you able, in your consideration of merit based research, to give consideration to the restrictions and the added cost of the world allowing patents on the genes? It has never been challenged in a court in Australia.

Prof. Sheil—I think my colleagues from IP Australia would be better placed to comment on that but—.....

Senator HEFFERNAN—Could I put on notice to you a question of your assessors in this three-step assessment. What knowledge do they have of the impact on research of the restrictions of gene patents?

Prof. Sheil—That would be very difficult for me to expect from—.....

Senator HEFFERNAN—....Could I ask the question formally of ARC: have your researchers—that is the ARC, not you as an individual, but the body—ever given consideration to it? Will you take that on notice?

Prof. Sheil—We will see what sort of information we can provide, but I am saying in advance that I suspect it is very limited, if we have the information at all.

ANSWER

The Australian Research Council (ARC) has not considered this issue as a matter of general policy.