



ROYAL AUSTRALASIAN COLLEGE OF SURGEONS

SUBMISSION TO SENATE STANDING COMMITTEE ON COMMUNITY AFFAIRS

INQUIRY INTO GENE PATENTS

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The Royal Australasian College of Surgeons thanks the Committee for this opportunity to make a submission on the matter 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.

The College is strongly of the view that Australia's patent laws should be revised to ensure families have guaranteed access to gene testing in public hospitals.

While the College readily acknowledges that the commercialisation and protection of ideas is fundamental to innovative medical research, the genetic sequence of a human being does not constitute an idea. It is not an invention worthy of a patent but a discovery. While this discovery certainly constitutes the basis of scientific and clinical understanding and might serve as the starting point for future (and patentable) medical research, it should in itself be no worthier of a patent than a recently discovered species of animal or plant.

The College also endorses the reported view of the Breast Cancer Action Group that arrangements should be such that a woman's ability to make informed decisions regarding prophylactic surgery or treatment should not depend on her capacity to pay fees to private enterprises.