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Committee Secretary  
Senate Standing Committee on Community Affairs  
By email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

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Dear Committee Secretary

**Re: Gene Patents Inquiry**

Please accept this submission to the above inquiry. The Sydney Centre for International Law is a leading centre for research and policy in Australia and the Asia-Pacific region.

In my view, human genetic information should not be conceptualized and treated by the law as a proprietary right susceptible to commercial exploitation.

Although such treatment may encourage investment in genetic research and thus stimulate medical advances, it comes at the price of limiting open scientific and public access to genetic information and may thus paradoxically stifle innovation.

At the same time, patenting treats the building blocks of the human body as an exploitable commodity and vests ownership of them in private hands.

In my view, it would be preferable for international law to treat genetic information as the 'common heritage' of humanity, just as international legal regimes have developed to deal with other shared resources such as the deep seabed and outer space.

Please be in touch if you require any further information.

Yours sincerely

*Ben Saul*