

22 April 2010

Senator Rachel Siewert  
Chair  
Senate Community Affairs References Committee  
Parliament House  
CANBERRA ACT 2600



Breast  
Cancer  
Network  
Australia



Dear Senator Siewert

Thank you for the opportunity to respond to Senator Bill Heffernan's submission to the Senate Community Affairs References Committee Inquiry into Gene Patents.

Breast Cancer Network Australia (BCNA) is the peak national organisation for Australians personally affected by breast cancer. We represent more than 42,000 individual members and 250 breast cancer member groups.

You may recall that BCNA presented to the Inquiry's public hearing in Melbourne on 3 August 2009. Two of our members, Heather Drum and Kristi Smith, gave very powerful and moving presentations.

As outlined in our submission, it is BCNA's view that the Patents Act 1990 should be amended to prohibit the granting of patent monopolies over human and microbial genes and non-coding sequences, proteins and their derivatives. We believe it is vital that Australian women, especially those with a strong family history of breast cancer, and their families are able to access genetic testing that is accessible, affordable, timely, high quality, and supported by genetic counselling. We have grave concerns that the granting of patents over these types of materials may restrict women's access to appropriate genetic testing, as occurred in the US where patents over the BRCA1 and BRCA2 gene mutations were enforced by Myriad Genetics Inc.

For these reasons, we support the recommendations made by Senator Heffernan in his submission, in particular recommendation 2.4 which proposes amending the Patents Act 1990 to prohibit the patenting of biological materials.

We await the Committee's Report with interest.

Yours sincerely

Lyn Swinburne AM  
Chief Executive Officer

CC Senators Claire Moore, Judith Adams, Sue Boyce,  
Carol Brown, Helen Coonan, Bill Heffernan  
Ms Naomi Bleaser

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Ms Quentin Bryce AC,  
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