



Department of the Environment and Heritage
Office of the Secretary

Mr Owen J Malone
Chairman
Advisory Council on Intellectual Property
PO Box 200
WODEN ACT 2606

Dear Mr Malone

Thank you for your letter of 2 July 2002 seeking comment on the exclusion of plant and animal matter from innovation patents. I have noted with interest that your Council has been asked to examine the implications of the exclusion of plant and animal matter from the innovation patent and to determine whether such exclusion is in the national interest.

Environment Australia has an interest in the operation of the intellectual property system as a key instrument in stimulating research into and capturing value derived from Australia's biodiversity and, in particular, its potential to capture value from the genetic and biochemical content of Australia's native biota.

In this context I would draw your attention to recent developments in this area. It is our understanding that it is likely that an independent public inquiry into gene patenting will be held later this year. Environment Australia is participating in the Interdepartmental Committee concerned with developing possible terms of reference for such an inquiry.

As the outcomes of this inquiry are likely to be crucial to your consideration of the issue before you, I do not think it would be appropriate to respond to the matters raised in your letter at this time. Should the Council proceed with its examination of the issue at a later stage, however, you may wish to approach us again.

If you have any further queries please contact Mr Geoff Burton on (02) 6274 2528.

Yours sincerely

Roger Beale
Secretary

6 August 2002

