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Alarm sounds on cancer test monopoly

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THE competition watchdog is investigating the Australian Securities Exchange-listed Genetic Technologies after the company moved to enforce its licence rights over genetic tests for cancer.

The company wants to exclusively undertake tests of mutations to the BRCA1 and BRCA2 genes — commonly linked to breast and ovarian cancers — now being carried out by publicly funded laboratories across the country.

Genetic Technologies has signalled that, from November 6, it will pursue “transitional arrangements” to protect its licence rights.

Cancer experts fear this will strip the states and territories of their capacity to carry out the tests themselves.

Liberal senator Bill Heffernan, who plans to pursue a Senate inquiry into patenting of the human genome, told parliament yesterday that Genetic Technologies had abandoned its 2003 pledge to give the test patent rights to

the Australian people.

Senator Heffernan said the situation was a disgrace.

“What this means is that all laboratories testing for breast cancer in Australia — and prostate cancer will follow because there is a patent out there on the gene technology — are going to be centralised and monopolised,” he said. “The Government ought to have the guts to say, ‘We’re not going to tolerate this.’”

A spokeswoman for the Australian Competition and Consumer Commission said the consumer watchdog neither confirmed nor denied that investigations into Genetic Technologies were under way.

Documents seen by *The Australian* refer to an ACCC investigation and show that the company factored in a one-month extension of the original October deadline that was to be applied to other labs.

Genetic Technologies chief executive Michael Ohanessian said he was

not at liberty to speak about any investigation.

Mr Ohanessian said the company had successfully secured the Australian licence to the patents covering the genetic tests.

“We have had these rights to these genes for many years,” Mr Ohanessian said. “I think there’s a bit of emotion because it relates to genetics (but) the rules are the same rules.”

Cancer Council Australia’s medical adviser Graeme Suthers said he opposed the patenting of genes and called the Genetic Technologies decision the biggest challenge yet to the principle of keeping the human genome in the public domain.

Luigi Palombi, from the Australian National University’s Genetic Sequence Right project, said company monopolies over genes also put research at risk because of the “power patent owners exercise over the direction of medical research by controlling the genes”.