

26 October 2005

Mr Tim Grimwade
The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
Dickson ACT 2602

FILE No:
DOC:
MARS/PRISM:

Dear Mr Grimwade

Re: Application for Revocation and Substitution Authorisation Nos A90857 and A90869 lodged by the Investment and Financial Services Association (IFSA) in respect of clauses 10.1 and 10.3 of IFSA's Genetic Testing Policy.

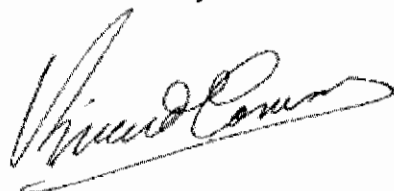
Thank you for inviting the Royal College of Pathologists of Australasia (the College) to provide comments on the above application.

In November 2000, the ACCC granted authorisation to IFSA with regard to their draft policy on genetic testing. The policy stated that whilst insurers should be allowed access to previously conducted genetic tests, they were prevented from requiring or coercing applicants to undergo genetic testing. Moreover, insurers were not to use genetic tests as the basis of "preferred risk underwriting" (i.e. offering individuals insurance at lower than standard premiums). This authorisation was granted for two years, this time frame being deemed sufficient for an "orderly and detailed evaluation and debate concerning the regulatory safeguards that are appropriate in the light of the announcement of the Australian Law Reform and the Australian Health Ethics Committee Inquiry into human genetic information and discrimination issues". An extension was granted to this authorisation until 25 December 2005.

IFSA has now applied to the ACCC for a further extension of this authorisation. The College notes that the Australian Government is currently preparing a response to recommendations from the Inquiry. In particular the Human Genetics Commission of Australia (HGCA) which was the central recommendation of the Inquiry, is yet to be established. The College therefore supports the request for an extension of this authorisation for the earlier of (i) 5 years after reauthorisation is granted, or; (ii) 6 months after legislation or legislative amendments to implement the relevant recommendations of the HGCA is enacted.

As a consequence the College supports this application and would like to be kept informed of progress at the draft and final determination stages.

Yours sincerely



Vince Caruso
President

