



Department of Health  
Government of Western Australia

Your ref  
Our ref  
Enquiries

Your Ref: A90986 and A90989  
Our Ref: Deb Andrews (08) 9222 4034

FILE No:
DOC:
MARS/PRISM:

Mr Scott Gregson  
The General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Dear Mr Gregson

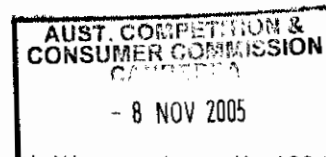
**APPLICATION FOR REVOCATION AND SUBSTITUTION (A90986 & A90989) LODGED BY THE INVESTMENT AND FINANCIAL SERVICES ASSOCIATION (IFSA)**

Thank you for your letter dated 11 October 2005 advising of the application by IFSA to re-authorise clause 10.1 and 10.3 of the Standard. I understand these clauses provide that applicants for life insurance will not be required to undergo any genetic tests and will not be offered inducements in the form of reduced premiums to undergo such testing.

As you indicate, the joint report of the Australian Law Reform Commission and the Australian Health Ethics Committee of the National Health and Medical Research Council (NH&MRC) - *Essentially Yours: The Protection of Human Genetic Information in Australia* - incorporates recommendations, a number of which are specifically directed at the use of human genetic information in insurance.

Central to this is the establishment of a Human Genetics Commission of Australia to advise, consult and promote a national approach to the protection of human genetic information, including harmonisation of such information and health privacy legislation between the Commonwealth, States and Territories. To this effect, the Federal government has announced the provision of funding over 4 years to establish an advisory committee of the NH&MRC. It appears that it may be some time before the Committee is in a position to assess and make any recommendations with regard to the insurance sector. I anticipate there would be consultation, including with the States, if there was any proposal to significantly change current practice regarding genetic testing in life insurance.

Medical and ethical implications arise in relation to genetic testing including that information about an individual's genetic predisposition may have sensitive and lifelong relevance and a significant impact on the family over generations.



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For the foreseeable future, there would seem to be a public benefit in continuing to grant immunity under the authorisations, which would outweigh any detriment to competition or the public due to IFSA members continuing to follow the Standard.

Yours sincerely



Dr Neale Fong  
**DIRECTOR GENERAL**

4 November 2005