

NEWS

BENITEC PATENTS UPHELD IN AUSTRALIA

August 23, 2005

Mountain View, California – Benitec Ltd. (ASX: BLT) announced today that the Australian Patent Office has completed its review of Benitec’s issued patents and they have been upheld.

Sara Cunningham, Chief Executive Officer of Benitec Ltd., stated, “There has never been a doubt in our minds about the validity of our patents. In conjunction with the recent successful resolution of our contract dispute with Promega, this result will allow us to broadly license our issued patent estate and use ensuing revenue to focus on developing RNA interference (RNAi) based therapeutics for the treatment of infectious diseases. RNAi, as with any groundbreaking technology, has been the subject of enormous legal scrutiny. As pioneers in the field, we are delighted to see our patents emerge from this challenge both intact and strengthened.”

Benitec notes that in response to a patent infringement suit filed in March 2004, a re-examination request was filed relating to Benitec’s issued patents in Australia (Australian Patent No. 743316 and Australian Innovation Patent No. 2001100608). The patents have been reviewed, published for opposition, and Benitec has received notice from the Australian Patent Office that both re-examination proceedings have been successfully concluded.

About Benitec

Benitec is an international biotechnology company focused on developing therapeutics to treat serious diseases using its proprietary RNAi technology. Benitec is listed on the Australian Stock Exchange and has its operations centered in the heart of Silicon Valley in Mountain View, California, USA. Its lead therapeutic programs are for Hepatitis C Virus (HCV) and the Human Immunodeficiency Virus (HIV). Benitec’s RNA-based HIV therapeutic, co-developed with the Center for Biomedicine & Genetics at the City of Hope in Los Angeles, California, will enter Phase I clinical trials in 2006. Benitec’s RNAi therapeutic for HCV will enter clinical trials in late 2006. For additional information, please visit www.benitec.com.

Forward-looking Statements

This press release contains forward-looking statements that reflect the Companies' current expectations regarding future events. Forward-looking statements involve risks and uncertainties. Actual events could differ materially from those projected herein and depend on a number of factors including the success of the Companies' research strategy, the applicability of the discoveries made therein, the successful and timely completion of clinical studies and the uncertainties related to the regulatory process.

CONTACT:

BENITEC LTD.

Laurie Reisinger

1 (650) 564 9850 ext.1101

lreisinger@benitec.com