

# INSTRUCTIONS FOR COMPLETING EMBRYO RESEARCH LICENCE APPLICATION FORM

These notes provide detailed information about how to complete the Embryo Research Licence Application Form for a licence under the *Research Involving Human Embryos Act 2002*. The numbering used in the instructions corresponds to the numbering on the form.

## HUMAN RESEARCH ETHICS COMMITTEE APPROVAL

Before applying for a licence, applicants must fully develop their proposal to use excess assisted reproductive technology (ART) embryos, use human eggs and/or create or use other embryos and submit it to their human research ethics committee (HREC) for evaluation. If the HREC approves the proposal, the applicant may then apply for a licence from the National Health and Medical Research Council (NHMRC) Embryo Research Licensing Committee (the NHMRC Licensing Committee).

## OTHER CONSIDERATIONS

Applicants should make themselves aware of any relevant State and Territory legislation and, where necessary, seek independent legal advice.

Before completing the form, the following general points should be noted:

- The form and any attachments must be completed using no smaller than 12-point type.
- Responses to all questions should be as comprehensive as possible - failure to provide adequate information **will** result in delays in consideration of the application.
- Forms must be submitted in hard copy to the NHMRC Licensing Section. It is recommended that an electronic version be submitted in addition to the hard copy.

GPO Box 1421  
CANBERRA ACT 2601

Ph: 02 6217 9000  
Fax: 02 6217 9175

Email: [embryo.research@nhmrc.gov.au](mailto:embryo.research@nhmrc.gov.au)

- The Licensing Section will provide written acknowledgment of the receipt of the application within 5 working days. The acknowledgment will include an application number, which must be used in subsequent correspondence.

The licence applicant may be required to provide additional written information to assist the NHMRC Licensing Committee to reach a decision.

A working group of the NHMRC Licensing Committee may ask to meet the applicant to clarify the information provided if this is considered to be the most efficient method of resolving outstanding issues.

Documents that will be useful in completing the NHMRC Licence Application Form are listed below.

Legislation available from the ComLaw website (<http://www.comlaw.gov.au/>):

- *Research Involving Human Embryos Act 2002* (the RIHE Act);
- *Prohibition of Human Cloning for Reproduction Act 2002* (the PHCR Act); and
- *Research Involving Human Embryos Regulations 2003*.

Note that the RIHE Act and the PHCR Act were amended by the Australian Parliament and the amendments commenced on 12 June 2007.

Guidelines available from the NHMRC website (<http://www.nhmrc.gov.au/index.htm>):

- *National Statement on Ethical Conduct in Human Research 2007* (the National Statement);
- *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research 2007*, available in June 2007 (the ART Guidelines);
- *Objective criteria on embryos that are unsuitable for implantation*; and
- *Australian code of practice for the care and use of laboratory animals for scientific purposes 7<sup>th</sup> edition 2004*.

## STEPS FOR COMPLETING THE NHMRC LICENCE APPLICATION FORM

The following sections provide detailed instructions for completing each component of the NHMRC Licence Application Form. The numbering used corresponds to the numbering on the form.

### SECTION 1 - APPLICANT INFORMATION

Applications from joint applicants may be submitted, but the following must be taken into consideration before deciding to lodge a joint application:

- the issue of a licence will impose legal duties and obligations on licence holders, including obligations to track and report usage of human embryos and eggs;
- severe penalties, including imprisonment, may apply in the event of failure to comply with licence conditions;
- the issue of joint licences may complicate tracking and reporting requirements;
- the actions of one joint applicant may potentially expose other joint applicants to legal liability.

Applicants are advised to seek legal advice on the implications of sharing responsibility for complying with licence conditions and legislative requirements. Examples of the type of conditions that may apply are available on the NHMRC Licensing Committee's public database.

When more than one organisation is applying for the licence, this section of the form should be duplicated to include details for each organisation. However, only one contact person should be listed.

#### **1.1 — Applicant Organisation**

##### *1.1.1 — Applicant organisation*

The applicant organisation will generally be a legal entity and not an individual researcher or ART clinician. Provide the name of the university, ART clinic, hospital or research centre in which the use of the excess ART embryos, use of human eggs, or creation or use of other embryos is proposed to be done. This organisation will be the licence holder and will be responsible for ensuring compliance with licence conditions. The issue of a licence will impose legal obligations and responsibilities on the organisation named here. Please include the organisation's Australian Business Number (ABN) or Australian Company Number (ACN).

##### *1.1.2 — Organisation representative*

Provide the required details for the person who is representing the organisation applying for the licence. This person must have legal authority to sign the application on behalf of the organisation; for example, the head of a department in a university or the director of an ART clinic.

##### *1.1.3 — Contact person*

Provide the required details for the person within the organisation who will act as the contact point in relation to the application. The Licensing Section will contact this person with any

queries regarding the application. The contact person may be the organisation representative (see 1.1.2), the principal supervisor (see 1.2.1) or another person within the applicant organisation. It is desirable that the contact person is familiar with the details of the project and application.

## **1.2 – Proposed Authorised Persons**

Authorised persons are persons the licence will authorise to use excess ART embryos or human eggs, or create or use other embryos. The people nominated here should have demonstrable skills and experience to perform the licensed activity. Do not list all people associated with the project, only those who will perform an activity for which a licence is required. People who only undertake downstream activities such as culturing stem cells do not need to be authorised by a licence to do so.

The licence holder will be required to vary the licence when the Principal Supervisor leaves the organisation or to add new authorised persons to the licence (refer to the Standard Conditions of Licence available from the NHMRC website).

### *1.2.1 — Principal Supervisor*

The Principal Supervisor will oversee the proposed activity and will ensure compliance with the legislation and licence conditions if a licence is issued. The principal supervisor is the person who will be responsible for supervising the use of excess ART embryos or human eggs, or the creation or use of other embryos in the activity authorised by the licence. Hence, the nominated person must have sufficient authority in respect of the proposed activity, as well as technical insight into all aspects of the work. This person could, for example, be the principal investigator or researcher or, in the case of an ART clinic, the chief scientist or director of clinical sciences.

Provide contact details for the principal supervisor and attach a full curriculum vitae. This information will enable the NHMRC Licensing Committee to determine whether the principal supervisor has appropriate knowledge and skills to take responsibility for supervision of the use of the excess ART embryos or human eggs, or the creation or use of other embryos.

### *1.2.2 — Staff who will use excess ART embryos or human eggs, or create or use other embryos*

Any person who will use excess ART embryos or human eggs, or create or use other embryos in the proposed activity must be authorised to do so. For example, the staff member who will isolate the inner cell masses from embryos during a study to develop new embryonic stem cell lines must be authorised by the licence to do so. This section of the form should be duplicated and completed for each person for whom authorisation is sought to use excess ART embryos or human eggs, or create or use other embryos for the proposed activity. Please describe the person's role in the proposed activity, including information about whether the person will be creating or using embryos or using human gametes. Attach a brief curriculum vitae outlining relevant qualifications and experience. Persons authorised to use excess ART embryos or other embryos should have experience in handling human embryos. Persons authorised to use human eggs to create other embryos should have experience in handling human and/or animal gametes.

In cases where there is some doubt as to whether a person will need to be authorised under a licence, applicants are encouraged to contact the NHMRC Licensing Section for advice.

To assist applicants in determining the persons who will need to be authorised under a licence, the following advice is provided:

- Any person who uses human eggs in a process to create an embryo under paragraphs 20(1)(b), (c) or (d) of the RIHE Act will need to be authorised by a licence to do so.
- Any person fertilising a human egg by a human sperm outside the body of a woman, for the purposes specified by paragraph 20(1)(e) of the RIHE Act, will need to be authorised by a licence to do so.
- The **creation** of “other embryos” must be performed by authorised persons.
- With regard to the **use** of “other embryos”, any activity after the creation of the embryos is considered to be a “use” up to, and including, the point of destruction of the created embryo and must be performed by authorised persons.
- With regard to excess ART embryos, some uses are exempt under s. 10(2) of the RIHE Act. All other uses must be performed by authorised persons up to, and including, the point that the embryo is destroyed.

The phrase “other embryos” is used in the RIHE Act to indicate embryos which are created under a licence issued by the NHMRC Licensing Committee.

### **1.3 – Specified Sites**

Specified sites are the locations where the authorised activity will be conducted, where relevant records are stored and where human embryos or eggs (intended for use in the authorised activity) may be stored, obtained or created.

#### *1.3.1 — Site (or sites) of the proposed activity*

For each site, include detailed information about the location at which the proposed use of excess ART embryos or human eggs, or creation or use of other embryos will occur. The information provided must be as specific as possible and include laboratory room number and building name where available. Licence holders will be legally obliged to restrict licensed activities to the nominated sites.

#### *1.3.2 — Site (or sites) of records (other than patient records) associated with the proposed activity*

Provide detailed information about the location of records (other than patient records) associated with the proposed activity. This includes laboratory notebooks and research records related to the authorised activity (e.g. records covering embryo thaw, authorised activity, and outcome of use) and electronic records (e.g. database of activity and outcomes).

#### *1.3.3 — ART clinic or other organisation from which the excess ART embryos or human eggs or other material will be obtained*

In applications made by ART clinics, the source of excess ART embryos or human eggs is likely to be the applicant organisation itself. That is, the ART clinic proposing to use excess

ART embryos or human eggs will be using embryos that are stored by that clinic or human eggs that are collected by that clinic, either centrally or at one of its regional facilities.

However, in some cases the proposed activity may be conducted by an organisation that is not an ART clinic. For example, if a university wishes to use excess ART embryos to derive stem cells or human eggs to generate embryos by SCNT, it would need to obtain the excess ART embryos or human eggs from an ART clinic. In such a case, information about the ART clinic (or clinics) from which the excess ART embryos or human eggs are proposed to be obtained should be provided in this part of the NHMRC Licence Application Form.

If human gametes, cells, tissues or genetic material to be used in the project will be obtained from any other source(s), please duplicate this part of the form to provide details of the other source(s).

*1.3.4 — Site (or sites) of patient records (including original consent documents) associated with the proposed activity*

Provide detailed information about the location of patient records (including signed consent documents) associated with the proposed activity. For example, if excess ART embryos will be sourced from a number of ART clinics and these clinics will retain the original patient records, list these clinics here. If patient records relating to licensed activities may be stored at a separate site (such as archival storage), also list that site here.

## SECTION 2 — PROJECT DESCRIPTION

The RIHE Act allows a person to apply for a licence for one or more of the activities listed in s. 20(1). The application must be made in accordance with the requirements of the NHMRC Licensing Committee under s. 20(2) of the RIHE Act. Applicants are requested to limit the scope of individual applications so that an application describes a defined project or other licensable activity. This will assist the NHMRC Licensing Committee to consider the application more efficiently and will reduce the assessment time. This will also simplify the development of consent documents for the project.

Any applicant unsure of whether to apply for one or more licences should contact the NHMRC Licensing Section for advice.

To assist the NHMRC Licensing Committee in assessing the scientific merit of an application and the likelihood of a significant advance in knowledge, external experts may be consulted. Confidentiality will be preserved and no-one with a conflict of interest will be asked to provide advice. Applicants will have the opportunity to respond to any adverse comment although the identity of the commentator will not be displayed.

### **2.1 — Proposed use of excess ART embryos or human eggs, or creation or use of other embryos**

Several types of activity are licensable under s. 20(1) of the RIHE Act. Please indicate the type of activity proposed. For example, somatic cell nuclear transfer (SCNT) would be covered by category (b). Some projects may involve more than one category of activity: please indicate every category that will apply.

### **2.2 — Proposed commencement date**

Indicate the date on which the applicant proposes to begin use of excess ART embryos or human eggs, or creation or use of other embryos. This date will need to recognise lead times involved in obtaining the licence and all necessary consent requirements in accordance with any protocols approved by the NHMRC Licensing Committee. No activity may begin until authorised by a licence, and until pre-commencement conditions of the licence have been met.

### **2.3 — Proposed duration of activity**

It is important to note that a licence is required for the use of excess ART embryos or human eggs, or the creation or use of other embryos in research and not for research *per se*. For example, if a research project involves five stages over three years but only the third stage of the project involves the use of excess ART embryos, then a licence would only be needed for the duration of the third stage and not for the entire three years.

Provide a realistic timeframe for the duration of the proposed activity involving the use of excess ART embryos or human eggs, or creation or use of other embryos.

If the proposed activity will be ongoing, such as quality assurance or training activities in an ART clinic over the course of a year or more, insert the word ‘ongoing’ in this part of the NHMRC Licence Application Form. The NHMRC Licensing Committee will then determine an appropriate expiry date for the licence.

#### **2.4 — Title of proposed activity**

Provide a short title (one or two lines) to enable ready identification of the activity for which a licence is sought. If an organisation or individual is applying for a number of licences for different activities (for example, to derive human embryonic stem cells from excess ART embryos and to create embryos by SCNT and use those embryos) the titles of the projects should clearly distinguish each separate activity. The title used here will be made available on the NHMRC Licensing Committee’s public database.

#### **2.5 — Short lay statement about the nature of the proposed activity**

Provide a short statement (one or two paragraphs) describing in lay terms the nature of the proposed use of the excess ART embryos or human eggs, or creation or use of other embryos. If a licence is granted, this short statement will be used by the NHMRC Licensing Committee to develop the description of the authorised use that is included on the public database of licences. The statement should therefore be easily understood by a member of the public and should not include details that are deemed to be commercially confidential.

#### **2.6 — Detailed description of the proposed project**

Provide a detailed outline of the proposed project. Include information on the following aspects of the proposed activity:

- **aims/goals** – describe the specific aims of the project, including a clear statement of the hypothesis to be tested (if applicable);
- **background** – describe the significance of the project in relation to the existing state of knowledge and include a short review of relevant literature. Describe how the project will fit into the organisation’s or research group’s broader research framework, paying particular attention to describing the limits or boundaries of the current project in relation to the overall research framework. For example, a research group’s overall goal may be to use embryonic stem cells derived from cloned embryos to study a particular disease. However the aim of the current application may be to demonstrate that it is possible to derive an embryonic stem cell line from an embryo created by SCNT;
- **methodology and experimental design** – describe the research plan in detail, including as appropriate, a detailed description of the experimental design, techniques to be used and methods of statistical analysis; and
- **outcomes** – propose defined endpoints of the proposed activity, taking the proposed duration of the project into account. These endpoints should include both positive and negative outcomes. In the SCNT example above, the positive end point of the licensed activity might be the repeatable demonstration of successful SCNT by derivation of 10 embryonic stem cell lines. A suitable negative endpoint might be that the project would cease if no SCNT embryos had been obtained after a specified number of eggs had been used. The NHMRC Licensing Committee considers that few projects would be classified as ongoing and that most would have definite

endpoints which will allow the Committee and the researchers to know that a project has been completed.

It is essential that sufficient detail is provided to allow the NHMRC Licensing Committee (and its external experts, if necessary) to gain a clear understanding of the aims of the proposal and the precise nature of the activity involving the use of excess ART embryos or human eggs, or creation or use of other embryos, including whether embryos or eggs will be damaged or destroyed.

In the event of the application being sent to external experts, any confidential commercial information will be removed from the application. Therefore, the project description should be able to be understood when this information is removed.

An application for a licence under s. 20(1)(e) or (f) of the RIHE Act should include information on how the applicant will ensure that the activity ceases before the first mitotic division occurs. In relation to licences under s. 20(1)(e), the NHMRC Licensing Committee has determined that the activity must be terminated within 20 hours from the time of insemination. In relation to licences under s. 20(1)(f), the NHMRC Licensing Committee has determined that the activity must be terminated immediately after the appearance of pro-nuclei. In order to facilitate monitoring of these activities, licences will require records of the times of insemination, pro-nuclei check and discard to be kept and reported. That is, researchers will be required to document their observations and provide them when requested by NHMRC inspectors.

### **2.7 — Excess ART embryos, other embryos or human eggs likely to be used and justification for the number requested**

In deciding whether to issue the licence, s. 21(4)(a) of the RIHE Act specifies that the NHMRC Licensing Committee must have regard to restricting the number of excess ART embryos, other embryos or human eggs to that likely to be necessary to achieve the goals of the activity or project proposed in the application. When issuing a licence the NHMRC Licensing Committee is required by s. 24(5)(b) of the RIHE Act to set conditions which specify the number of excess ART embryos, other embryos or human eggs authorised to be created or used under the licence.

When this requirement is considered in conjunction with the requirement for the NHMRC Licensing Committee to have regard to the likelihood of significant advance in knowledge or improvement in technologies for treatment, the committee considers that it must seek to ensure that any licence should be issued for the maximum number of embryos or eggs required to successfully achieve the goals of the licence.

Furthermore, it is the NHMRC Licensing Committee's view that the best experiment is not necessarily the one which uses the fewest embryos or eggs in an absolute sense. Rather, it is the experiment which is designed to give the most reliable answer to the question being asked and, in most cases, which permits a statistically significant outcome. Poor experimental design can lead to the use of more eggs or embryos than absolutely necessary because the results may be ambiguous or unreliable. In this situation the work would have

to be repeated, thus potentially using more eggs or embryos in total than if a few more had been used initially for a single experiment.

*2.7.1 to 2.7.3 — Number of excess ART embryos, other embryos or human eggs likely to be necessary to achieve the goals of the proposed activity*

Please record the number of excess ART embryos, other embryos or human eggs likely to be necessary to achieve the goals of the proposed activity. Note that this should be the maximum number necessary although if the project is successful fewer embryos or eggs may actually be used.

*2.7.4 to 2.7.6 — Justification for the number of excess ART embryos, other embryos or human eggs requested above*

Provide detailed information that explains **why** the number of excess ART embryos, other embryos or human eggs is considered to be necessary to achieve the goals of the proposed activity or project (refer to s. 21(4)(a) of the RIHE Act). Provide information on statistical calculations where relevant, including power calculations and the software used to determine these. Include information about the survival rate of embryos removed from storage and the percentage expected to grow to blastocyst stage, if relevant. With respect to human eggs, comment on the stage of maturity necessary for the activity, the proportion of eggs likely to be at the appropriate stage, and what will happen to any eggs not suitable to be used. Information must be specific to the clinic from which the excess ART embryos or human eggs are obtained.

## **2.8 – Likelihood of significant advance in knowledge or improvement in technologies for treatment**

In deciding whether to issue the licence, s. 21(4)(b) of the RIHE Act specifies that the NHMRC Licensing Committee must have regard to the likelihood of significant advance in knowledge or improvement in technologies for treatment as a result of the use of excess ART embryos or human eggs, or the creation or use of other embryos proposed in the application.

*2.8.1 to 2.8.3 — Likelihood of a significant advance in knowledge or improvement in technology as a result of the use of the excess ART embryos or human eggs or creation or use of other embryos*

Licence applicants must provide specific information about how the proposed use of excess ART embryos or human eggs or creation or use of other embryos will result in a significant advance in knowledge or improvement in technologies for treatment. Please include information on the track record and qualifications of researchers involved in the project that support the likelihood of success of the research proposal.

If the project involves derivation of embryonic stem cell lines, please explain why formation of these particular cell lines is necessary and how the cell lines you expect to obtain will allow an advance in knowledge or improvement in technology that is not possible with existing cell lines.

The NHMRC Licensing Committee concurs with the *Guidelines for the Conduct of Human Embryonic Stem Cell Research* issued by the International Society for Stem Cell Research in

2007 (available from the ISSCR website <http://www.isscr.org>). Section 12 of these guidelines states that:

“Proposals for derivations of new human pluripotent stem cell lines should be scientifically justified and executed by scientists with appropriate expertise. Hand-in-hand with the privilege to perform derivations is the obligation to distribute the cell lines to the research community. A clear, detailed outline for banking and open access to the new lines should be incorporated into derivation proposals. New pluripotent stem cell lines should be made generally available as soon as possible following derivation and first publication. The ISSCR encourages researchers to deposit lines early into centralized repositories where the cell lines will be held for release and distribution upon publication.”

Please indicate how any new human embryonic stem cell lines derived in the project will be made available to the research community or provide reasons why this will not occur.

Attach to the NHMRC Licence Application Form any relevant reports supporting the claims made and note the attachment number(s) in the box provided at this item number.

Please note that, where applicable, the NHMRC Licensing Committee will review the results of previous research under licence when considering the current application. Please attach copies of any relevant publications from your organisation not previously provided to the committee.

### **2.9 Justification for why the advances described above could not reasonably be achieved by other means**

Provide information on why the use of excess ART embryos or human eggs, or the creation or use of other embryos is essential to the project and why the aims of the project could not be otherwise achieved (see s. 21(4)(b) of the RIHE Act).

The justification could include information about the state and limitations of research in other model systems and why such systems will not provide the required data and why it is necessary to progress to the use of human embryos or eggs.

## SECTION 3 — OBTAINING PROPER CONSENT FOR THE USE OF EXCESS ART EMBRYOS OR HUMAN EGGS, OR CREATION OR USE OF OTHER EMBRYOS

The NHMRC Licensing Committee must not issue a licence unless it is satisfied that appropriate protocols are in place to enable proper consent to be obtained before an excess ART embryo or human egg is used, or other embryo is created or used (see s. 21(3)(a) of the RIHE Act).

### **3.1 — Overview of proper consent process**

Applicants must provide detailed information about the proposed protocols for obtaining proper consent from all responsible persons. Proper consent is defined by section 8 of the RIHE Act as consent obtained in accordance with guidelines issued by the CEO of the NHMRC. For the purpose of this definition, the *Research Involving Human Embryos Regulations 2003* prescribe the 2007 ART Guidelines. A definition of responsible person is given in section 8 of the RIHE Act and this should be used to ensure that proper consent will be obtained from **all** responsible persons.

The description and flowchart should clearly indicate when information will be supplied to responsible persons and when proper consent will be obtained from each responsible person and should explain how the process relates to the time constraints imposed by any clinical treatment and the experimental procedures involved.

The proper consent process required will vary depending on whether the licensed activity involves the use of excess ART embryos, other embryos or human eggs. Please see the 2007 ART Guidelines for further information. When developing the consent process, the 2007 National Statement and any advice issued by the Licensing Committee should also be consulted. The consent checklists will assist the development of the consent process and documents.

Please describe your strategy for determining who you will approach to request their donation of excess ART embryos, gametes, cells or genetic material to your project. For example, if the project involves the use of human eggs, please indicate whether the eggs will be donated by women undergoing ART treatment cycles or whether they will be donated by women purely for the research project.

With respect to egg donors undergoing ART and willing to donate a proportion of eggs from their treatment to research, the consent documents should clearly describe how eggs will be allocated between donor and research. Please note that this does not refer to the overall numbers allocated to each but to the decision-making process which determines how each egg, on an individual basis, is allocated between donor and research. The egg donor must be consulted about this, and her decision will determine the process adopted.

Outline any arrangements with ART clinics and outside researchers to ensure that the authorised persons use only embryos, human eggs, reproductive material, genetic material or cells for which proper consent has been obtained.

Provide information about how the organisation will record and handle any restrictions that responsible persons may place on their consent to use of their gametes, embryos, cells or genetic material in the research project.

### **3.2 – Documents to be provided to obtain proper consent**

A copy of the proposed declaration of excess ART embryos form (if required), proper consent form and all written information intended to be provided to **all** potential donors must be attached to the NHMRC Licence Application Form.

Important note: Please do not attach any signed consent forms or forms containing personal information about donors.

### **3.3 –Payment of reasonable expenses**

Section 21 of the PHCR Act allows for payment of reasonable expenses, but not valuable consideration, incurred by a person in connection with the supply of a human egg, human sperm or human embryo.

Please note that the PHCR Act imposes severe penalties for giving, receiving, offering to give or offering to receive valuable consideration for the supply of a human egg, human sperm or human embryo. Valuable consideration includes any inducement, discount or priority in the provision of a service. Applicants are strongly advised to obtain legal advice on this issue.

Please also consult the 2007 National Statement and 2007 ART Guidelines regarding this issue.

Indicate how you will determine the amounts (if any) and categories of expenses to be reimbursed to gamete donors or suppliers.

## SECTION 4 – COMPLIANCE ISSUES

Under the RIHE and PHCR Acts, the NHMRC has responsibility for monitoring compliance with the legislation, including compliance with conditions attached to issued licences. To achieve this, the chairperson of the NHMRC Licensing Committee has appointed inspectors to monitor compliance and report their findings to the committee. In order to facilitate monitoring of licensed activities, licence holders are required to maintain a tracking system that uniquely identifies each excess ART embryo or human egg used or other embryos created or used.

### **4.1 — Tracking system**

Describe the tracking system that will be used to identify the excess ART embryos or human eggs used, or other embryos created or used in the proposed activity. Maintenance of a tracking system that links individual embryos and/or eggs to a specific licence, signed consent documents, responsible persons and outcomes of the use will be a condition of any issued licence. NHMRC Inspectors will audit the system during their inspections. An outcome must be recorded for each embryo and/or egg used – please see the ‘authorised use’ spreadsheet for the Licence Holder six-monthly and final reports to the NHMRC Licensing Committee located on the NHMRC website (<http://www.nhmrc.gov.au/index.htm>) .

## SECTION 5 — HREC EVALUATION OF THE PROPOSAL

The Chairperson of the Human Research Ethics Committee (HREC) will be required to validate Section 5 of the form before signing the application at Section 8.

Before a licence can be issued, the proposed activity must be assessed and approved by a HREC. Moreover, as part of the licence assessment process, the NHMRC Licensing Committee must have regard to the 2007 National Statement. The 2007 National Statement includes important information relating to the establishment, composition, procedures and responsibilities of HRECs. As part of its assessment process, the NHMRC Licensing Committee will pay attention to whether the relevant HREC is constituted in accordance with, and acting in compliance with, the 2007 National Statement.

### **5.1 — HREC contact information**

#### *5.1.1 — Name of HREC*

Provide the full name of the HREC that has evaluated the proposal. If the applicant organisation has more than one HREC, the name of the HREC must make it clear which HREC evaluated the proposal.

In some cases, the work may involve approval from a number of different HRECs. If this applies, details must be provided for each HREC, and the chairperson of each HREC must sign the NHMRC Licence Application Form. In this case, please duplicate the appropriate sections of the form to include the information.

#### *5.1.2 — Chairperson of HREC*

Provide the full name and contact details of the Chairperson of the HREC.

#### *5.1.3 — Secretary (or other contact person) of HREC*

Note that the NHMRC Licensing Committee is required to notify the HREC of its decision regarding the licence application. The person whose name and contact details are included in this field will be the person notified by the committee. Please indicate the relationship (if any) of this person to the Applicant organisation.

### **5.2 — HREC consideration of application**

#### *5.2.1 - Date of HREC approval*

Provide the date on which the HREC gave final approval to the proposal.

#### *5.2.2 — HREC evaluation and approval/clearance*

A statement signed by the Chairperson of the HREC must be appended. The statement should include confirmation that:

- the full details of the HREC decision were recorded
- at least eight members fulfilling the minimum membership roles participated in the decision, whether by attendance at a meeting or otherwise
- no member who participated in the decision had a relevant conflict of interest
- that the research proposal and consent procedures and documents were considered in the light of the 2007 National Statement and 2007 ART Guidelines.

The statement should include a summary of the reasoning that supported the HREC decision, and a summary of the reasons for being satisfied that the proposal conforms to the 2007 National Statement and the 2007 ART guidelines

When considering the proposed activities for ethical approval and in meeting their obligations under the 2007 National Statement (particularly Chapter 2.2), HRECs should take account of any procedural advice published by the NHMRC Licensing Committee.

As noted in the introduction to this section, the NHMRC Licensing Committee will pay particular attention to whether the HREC was constituted in accordance with, and acting in compliance with, the 2007 National Statement. Matters that the Chairperson of the HREC should consider when verifying that the HREC was constituted in accordance with, and acting in compliance with, the 2007 National Statement include, but are not limited to, the following:

- The minimum membership of the HREC (listed in paragraph 5.1.30 of the 2007 National Statement) must have received all relevant papers and attended a meeting or meetings at which the HREC decision was reached.
- Where not all of the minimum membership attended that meeting or meetings, whether the minimum membership had an opportunity to contribute their views and have the views recorded before a decision in relation to the proposal was reached.
- No single member should fulfil more than one role – that is, the minimum membership should comprise eight different individuals.
- Consideration of the proposal was not undertaken by any member who had a conflict of interest, including any personal involvement or participation in the research, any financial interest in the outcome or any involvement in competing research.
- The full details of the HREC decision were recorded.

## SECTION 6 – AEC EVALUATION OF THE PROPOSAL

This section of the form only needs to be completed for projects that involve the use of animal eggs for sperm quality testing, category (f) of s. 20(1) of the RIHE Act.

### **6.1 — AEC contact information**

#### *6.1.1 — Name of AEC*

Provide the full name of the Animal Ethics Committee (AEC) that has evaluated the proposal. If the applicant organisation has more than one AEC, the name of the AEC must make it clear which AEC evaluated the proposal.

#### *6.1.2 — Chairperson of AEC*

Provide the full name and contact details of the Chairperson of the AEC.

#### *6.1.3 — Secretary (or other contact person) of AEC*

Please provide the contact details of the person that the NHMRC Licensing Committee should contact if they have any queries for the AEC.

### **6.2 — AEC evaluation and approval**

#### *6.2.1 - Date of AEC approval*

Provide the date on which the AEC gave final approval to the proposal. Please also indicate the date on which the validity of the approval ceases.

#### *6.2.2 — Compliance with NHMRC Australian code of practice for the care and use of animals for scientific purposes 7<sup>th</sup> edition 2004*

The AEC that approved the proposed activity contained in this application must be constituted in accordance with the *NHMRC Australian code of practice for the care and use of laboratory animals for scientific purposes 7<sup>th</sup> edition 2004*. This includes details about the appropriate membership (composition) of AECs and appropriate procedures to be adopted by AECs (including in relation to meetings, conflict of interest and recording of decisions).

#### *6.2.3 — AEC evaluation and approval/clearance*

Please attach a statement signed by the Chairperson confirming that the committee has approved the use of animals in the proposed project.

## SECTION 7 — CONFIDENTIAL COMMERCIAL INFORMATION

### **7.1 — Identification of information**

Identify the precise location of any confidential commercial information within the application by cross-referencing the section number, as well as page, paragraph and sentence identification where necessary. For example:

*The information is in Section 2.6, page 6 , paragraphs 2 to 6 inclusive, and the first two sentences of paragraph 7.*

In the event of the application being sent to external experts (see also Section 2), any confidential commercial information would be removed from the application. Therefore, the project description should be able to be understood when this information is removed.

### **7.2 — Justification for treatment of information as confidential commercial information**

In order for information to be treated as confidential commercial information, it must have commercial or other value that would or could reasonably be expected to be destroyed or diminished if the information were disclosed. Outline the reasons for requesting that the information identified in Section 7.1 be treated as confidential commercial information.

Note that members of the NHMRC Licensing Committee are bound by the confidentiality provisions of s. 30 of the RIHE Act. This creates an offence for the disclosure of confidential commercial information that the member has only because he or she is performing functions under the Act.

Members are also bound by the NHMRC's conflict of interest guidelines, which require declaration of any potential conflict of interest in matters being considered by the committee.

NHMRC staff are similarly bound by the RIHE Act and by the Australian Public Service Code of Conduct<sup>1</sup>.

---

<sup>1</sup> <http://www.apsc.gov.au/conduct/index.html>

## SECTION 8 — SIGNATURES

This section requires signatures from three people as outlined below.

### **8.1 — Organisation representative**

The NHMRC Licence Application Form must be signed by a person who has legal authority to sign on behalf of the applicant organisation (eg the CEO of the organisation, the director of the ART clinic or the department head at a university) – the person identified at Section 1.1.2. Where the applicant is an individual, the declaration must also be signed.

### **8.2 — Principal supervisor**

The NHMRC Licence Application Form must be signed by the principal supervisor – the person identified at Section 1.2.1.

### **8.3 — Chairperson of the HREC**

The NHMRC Licence Application Form must be signed by the Chairperson of the HREC that considered the proposal - the person identified at Section 5.1.2. Before signing, the chairperson must check the validity of the information provided in Section 5.

## SECTION 9 — INDEX OF SUPPORTING INFORMATION

Provide an index of all supporting information attached to the application form.

### **APPLICATION CHECKLIST**

Use the checklist below to ensure that you have completed all steps in the licence application process.

<b>Have you:</b>	<b>Yes</b>	<b>No</b>
Developed a detailed proposal and submitted it to your HREC for approval?		
Received HREC approval?		
Completed the NHMRC Application Form?		
Ensured that the consent documents and process accurately reflect the project described in the application form?		
Attached to the application the written evaluation prepared by the HREC?		
Arranged for the chairperson of the committee that considered the original proposal to sign the application as the HREC Chairperson (section 8)?		
Obtained all other signatures as outlined in section 8 of the NHMRC Application Form?		
Attached all other relevant documents/approvals detailed in the application including CVs, consent documents, project description, relevant published articles?		
Submitted the application and all relevant papers to the NHMRC Licensing Section in hard copy?		
Submitted an electronic copy of the application to: <a href="mailto:embryo.research@nhmrc.gov.au">embryo.research@nhmrc.gov.au</a> ?		