



AN INVITATION TO MAKE A SUBMISSION

The National Health and Medical Research Council (NHMRC) is conducting public consultation on the above revised draft document which provides ethical guidelines on the use of assisted reproductive technology in clinical practice and research. The document has been revised to take account of the new activities that are licensable under the *Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006* (the Amendment Act), and you are invited to make a submission about the draft. This invitation is made under section 13 (d)(iii) of the *National Health and Medical Research Council Act 1992*.

The Amendment Act also specifies that the NHMRC develops objective criteria for determining (in a research context*) when a human embryo is unsuitable for implantation. Draft objective criteria are available on the NHMRC website (www.nhmrc.gov.au), and you are invited to make comments on this document.

* Please note that these criteria have been developed for research purposes. They do not apply to clinical decisions relating to achieving pregnancy through Assisted Reproductive Technology (ART). More information on the research context is available on the NHMRC website at www.nhmrc.gov.au.

Further copies of either of these draft documents are available from <http://www.nhmrc.gov.au/consult/index.html> or can be obtained by phone or email as listed below.

How to make your submission

Submissions are sought on either the guidelines or the objective criteria, or both documents. Submissions should follow the instructions provided here and further copies can be accessed on the NHMRC website. Comments on the ART Guidelines are sought on the changes and additions to the document that are highlighted by grey shading. A template for comments has also been prepared for your guidance and use (copy attached) and can be accessed from this website.

Electronic submissions using this template are strongly preferred. If this is not possible, please make your submission in writing (preferably typed or word processed) or on audio tape, and submit it by mail. Electronic submissions should be emailed to the address below.

A form seeking authorship and other details is on the reverse of this page. Please complete and attach the form to your submission. **Submissions that do not have the completed form will not be accepted.**

Please e-mail your submission to ahec.nhmrc@nhmrc.gov.au or post to:

Project Officer
ART Guidelines
Research Ethics Section
NHRMC
GPO Box 1421
CANBERRA ACT 2601

Closing date: 5pm AEST Friday 11 May 2007

Please draw this consultation process to the attention of anyone whom you believe would be interested in making a submission.

Further information

Further hard copies of the draft document and forms can be obtained by contacting the Research Ethics Section on (02) 6217 9070, by fax on (02) 6217 9175 or by e-mail **ahec.nhmrc@nhmrc.gov.au** or from the NHMRC website at **<http://www.nhmrc.gov.au/consult/index.htm>**



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National Health and Medical Research Council

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ID:

**Draft ‘Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research’ (NHMRC 2004, revised 2007); and
 Draft criteria for determining human embryos that are unsuitable for implantation
 Consultation Feedback Template**

Closing Date for Comments: Friday 11 May 2007, 5pm AEST

Name: Sandra K Dill **Organisation:** ACCESS Australia

Specific Comments

Section	Chapter	Paragraph	Clause	Comments
9.9	9	1 & 2		<p>This requirement is unnecessary and unduly harsh on couples. A decision to donate embryos for research is made at the time embryos are declared excess after careful thought and deliberation. To force couples to revisit this difficult decision when researchers wish to use them can be very distressing for the couples concerned. A decision to donate to research at the time embryos are declared excess should be respected.</p> <p>When embryos are declared excess, one option may be to include a question asking couples if they would like to be informed about the research when their embryos are used.</p> <p>Given the fundamental differences with stem cell research, ACCESS recommends that at the time embryos are declared excess, there should also be provision for the couple to specifically donate their embryos to stem cell research. If they select YES then it should be clear to them that they will be contacted if their embryos are required for such research.</p> <p>As there are many more embryos available for research than there are research projects, it would also</p>

				be helpful to ask couples to nominate a limit for the storage time, if by which their embryos have not been used for research, they would prefer them to be destroyed.
11.1	11	1		ACCESS has received several requests from members to ask that the prohibition on sex selection for nonmedical purposes be removed. Those who have contacted us have several children of the one sex and would simply like to complete their families with a child of the opposite sex to their existing children. Prior to this prohibition such cases were conducted under the oversight of HREC's and with extensive counselling for the couples concerned. They have expressed anger at the thoughtless suggestion in the clause that they are somehow devaluing their existing children or placing conditions on life. They feel that they are being responsible by not placing themselves or their families at financial risk and forcing the woman to undergo several pregnancies in the hope that the next child will bring them a child of the opposite gender. There is no evidence to suggest that there is a significant preference for either sex where this has been done in Australia or internationally. When a couple may learn through ultrasound that they are having a child of the opposite sex to their existing children, we are delighted for them. We don't accuse them of not valuing their existing children or preferring the sex of the child to be born.
8.5, 8.5.1	8			<p>This requirement is inconsistent with section 6.14, dot point 3 which limits the right of the donor to withdraw consent up to the time that insemination or fertilisation has occurred. Clause 7.3. dot point 1 provides for the donor to impose limitations on the use of his/her gametes. This would more appropriately be done at the time the donation was made i.e. alert the donor that should the couple have embryos surplus to their needs, that they may choose to donate them to ART or stem cell research.</p> <p>While we recognise that balancing competing rights presents a difficult and complex challenge, it seems reasonable to confine decisions about what will be done with any embryos, to the couple for whom they were created. To allow the donor's decision to override that of the couple in relation to the disposal of an embryo for research, after informed consent has been given, has no regard to the other party who has contributed to the conception.</p>

General Comments

ACCESS Australia is a consumer based, independent, not for profit organisation, committed to providing whole of life support for women, men and their families

suffering from infertility. ACCESS strives to raise community awareness by being a national voice to bring the social, psychological and financial concerns of couples to governments and the medical and scientific communities. Our Patrons are Olympic gold medallist, Glynis Nunn-Cearns OAM and Candice Reed, Australia's first born IVF child. ACCESS serves as lifetime resource for support and information on reproductive health needs and has an interest in any legislative or policy issues that impact on the rights of couples to make reproductive choices about their family needs.