

# INSTRUCTIONS FOR COMPLETING EMBRYO RESEARCH LICENCE APPLICATION FORM FOR EMBRYO BIOPSY TRAINING USING EXCESS ART EMBRYOS

These notes provide detailed information about how to complete the Licence Application Form for a licence to conduct training in embryo biopsy under the *Research Involving Human Embryos Act 2002*. The numbering used in the instructions corresponds to the numbering on the form. For all other training licence applications use the standard application form.

The Licence Application must be completed and the licence issued before excess ART embryos can be used to conduct training in embryo biopsy. Individual trainees must also be approved as authorised persons under the licence they commence their training. This approval can occur as part of the licence application or as a separate variation at a later date. If the trainee is to be authorised via a variation to the licence provide the information specified at section 2.8 below for each trainee.

## HUMAN RESEARCH ETHICS COMMITTEE APPROVAL

Before applying for a licence, applicants must develop their proposal to use excess assisted reproductive technology (ART) embryos for training in embryo biopsy 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 familiarise themselves with any relevant State and Territory legislation and, where necessary, seek independent legal advice.

When completing the form, note the following general points:

- Duplicate relevant sections of the form as required (eg. proposed authorised persons, sites where excess ART embryos or eggs may be obtained etc.)
- Responses to all questions should be as comprehensive as possible - failure to provide adequate information **will** result in delays in consideration of the application.
- Proof-read the application and its attachments, particularly the consent documents.
- Incomplete applications will be returned for revision before assessment commences.
- Ensure that current CVs are provided.
- Submit the application via e-mail to [embryo.research@nhmrc.gov.au](mailto:embryo.research@nhmrc.gov.au). The signature page may be submitted as a scanned version. If the application is submitted as a hard copy send it to:  
  
NHMRC Embryo Research Licensing  
GPO Box 1421  
CANBERRA ACT 2601
- Embryo Research Licensing 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.

Applicants 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 for a teleconference with or to visit the applicant to clarify the information provided.

Each person to be trained under a training licence must be approved by the NHMRC Licensing Committee before training commences. This can either be done as part of the initial application or as a separate process once the licence has been issued.

Documents that will be useful in completing the NHMRC Licence Application Form for Embryo Biopsy Training Using Excess ART Embryos are listed below.

Legislation available from the Federal Register of Legislation website (<https://www.legislation.gov.au/>):

- *Prohibition of Human Cloning for Reproduction Act 2002*
- *Research Involving Human Embryos Act 2002*
- *Research Involving Human Embryos Regulations 2017.*

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

- *National Statement on Ethical Conduct in Human Research (2007)* – updated May 2015 (the National Statement)
- *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research 2017* (the ART Guidelines)
- *Objective criteria on embryos that are unsuitable for implantation.*
- *The Australian Code for the Responsible Conduct of Research 2007* (the Code).

The National Statement and the ART Guidelines are prescribed by the Research Involving Human Embryos Regulations 2017 in relation to licence applications.

# COMPLETING THE APPLICATION FORM

The following sections provide detailed instructions for completing each component of the NHMRC Licence Application Form for Embryo Biopsy Training Using Excess ART Embryos (Application Form). The numbering corresponds to the form.

## Section 1 — Applicant Information

### 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. 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.

- Provide the requested details relating to the ART clinic which will conduct the training in embryo biopsy using excess ART embryos.

#### 1.1.2 — Organisation representative

This person must have legal authority to sign the application on behalf of the organisation; for example, the Scientific Director of an ART clinic.

- Provide the required details for the person who is representing the organisation applying for the licence.

#### 1.1.3 — Contact person

Embryo Research Licensing 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. The contact person must be familiar with the application.

- Provide the required details for the person within the organisation who will act as the contact point in relation to the application.

### 1.2 — Proposed Authorised Persons

Any person who will use excess ART embryos in the licensed activity must be authorised by the licence to do so. This includes staff members who will conduct the training activities and the people who will be trained.

- The people nominated here as trainers must have the necessary skills and experience to perform the licensed activity.
- Note the requirement to seek individual approval for each trainee (see Section 4.2 of the Application Form).

#### 1.2.1 — Principal supervisor

The Principal Supervisor is the authorised person who 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 in the activity authorised by the licence. The person nominated as the Principal Supervisor must have technical insight into all aspects of the proposed training activity and sufficient authority to fulfil the role described above. This person could be the chief scientist or director of clinical sciences in the ART clinic.

The Standard Conditions of Licence require the licensed activity to stop if the Principal Supervisor leaves the organisation or is temporarily unable to perform the duties of the Principal Supervisor (refer to Standard Conditions of Licence). For this reason the applicant organisation may choose to nominate joint Principal Supervisors or a Principal Supervisor and an alternate supervisor to maintain continuity of oversight. The NHMRC Licensing Committee will deem joint Principal Supervisors to

have shared responsibility for the licensed activity at all times. An alternate Principal Supervisor only takes responsibility for the licensed activity in the absence of the Principal Supervisor.

- 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.

#### 1.2.2 — *Staff who will use excess ART embryos*

Persons authorised to use excess ART embryos or other embryos should have experience in handling embryos.

If you are requesting approval for specific trainees as part of this licence application provide the information required at Item 2.8 with respect to each proposed trainee. Once the people who will receive training have been approved by the NHMRC Licensing Committee (see Items 2.8 and 4.2) they are also authorised persons under the issued licence.

This section of the form should be duplicated and completed to provide details of each person for whom authorisation is sought to use excess ART embryos for the proposed activity.

- Describe the person's role in the licensed activity – that is, trainer or trainee.
- Attach a current brief curriculum vitae outlining relevant qualifications and experience.

### 1.3 — Specified Sites

Specified sites are the locations where:

- the authorised uses will be conducted,
- relevant records are stored, and
- excess ART embryos may be sourced.

#### 1.3.1 — *Site(s) of the proposed use*

Licence holders will be required to restrict licensed activities to the nominated sites. For each site:

- include information about the location at which the proposed use of excess ART embryos will occur.
- be as specific as possible and include laboratory room number and building name where available.

#### 1.3.2 — *Site(s) of records (other than patient records) associated with the proposed use*

- Provide detailed information about the location of records (other than patient records) associated with the proposed use.
  - 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 — *Site(s) of patient records (including original consent documents) associated with the proposed use*

- Provide information about the location of patient records (including signed consent documents) associated with the proposed use. For example, if excess ART embryos will be sourced from several ART clinics and these clinics will retain the original patient records, list the 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 to use excess ART embryos for training activities. The application must be made in accordance with the requirements of the NHMRC Licensing Committee under s 20(2) of the RIHE Act. This simplified form is only for applications relating to training in embryo biopsy. All other applications made under s 20(1) of the RIHE Act should be made using the Embryo Research Licence Application Form.

### 2.1 — Title of proposed use

The title used here will be made available publicly on the NHMRC Licensing Committee's public database and should allow the licence to be easily distinguished from other licences held by the applicant.

- Provide a short title (one or two lines) to enable identification of the activity for which a licence is sought.

### 2.2 — Short statement about the nature of the proposed use

Provide a short statement describing the nature of the proposed use of the excess ART embryos. This description should outline the steps from thawing an embryo to its discard following the biopsy procedure. It should include information about how the success of each biopsy will be measured and how a trainee's proficiency in the procedure will be assessed.

### 2.3 — Proposed commencement date of licensed activity

Indicate the date on which the applicant proposes to begin use of excess ART embryos. Activity cannot commence until authorised by a licence. As consent must be obtained in accordance with protocols approved by the NHMRC Licensing Committee prospective donors cannot be approached until after the licence has been issued.

### 2.4 — Proposed duration of licensed activity

- Provide a timeframe for the duration of the proposed activity involving the use of excess ART embryos.
- If the training program will be ongoing 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.

### 2.5 — Number of persons to be trained

Insert the number of embryologists the organisation wishes to train in embryo biopsy during the requested duration of the licensed activity.

### 2.6 — ART clinics from which the excess ART embryos will be obtained

It is likely that the excess ART embryos used for the training activities will be obtained from the clinic conducting the training. However, if embryos will be obtained from satellite clinics or other ART clinics list them at this item.

### 2.7 — Survival rate for embryos thawed at relevant clinic

The NHMRC Licensing Committee has determined that each trainee may use up to 15 excess ART embryos during their training in embryo biopsy. Not all embryos survive thawing or reach the developmental stage required and embryos used for biopsy training must be live embryos.

- Provide information about typical survival rates from the clinic(s) providing the embryos. This will assist the committee to determine the maximum number of embryos which may be thawed in connection with the issued licence.

### 2.8 — Specific Information relating to each trainee

This section of the form lists the previous experience and skill set the NHMRC Licensing Committee expects each trainee to have obtained prior to requesting approval to use excess ART embryos for

training in embryo biopsy. If a proposed trainee does not have all the necessary experience, the applicant organisation may request the waiver of a particular requirement. The request should include reasons for why the requirement cannot be met or is not considered necessary.

- Provide the information requested for each trainee included in the licence application. In particular note the requirement for a declaration that the trainee has not received training in embryo biopsy using live human embryos and has not previously performed embryo biopsies in a clinical setting.

Other trainees may be included by applying to vary the licence after it has been issued.

## Section 3 — Obtaining Proper Consent for the Use of Excess ART Embryos for Embryo Biopsy

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 is used (see paragraph 21(3)(a) of the RIHE Act). The 'Consent checklist for licensed activities using excess ART embryos' has been prepared to assist applicants to develop consent processes that satisfy the legislative requirements.

Complete the checklist (available from the NHMRC website) as you develop the protocol and documents and attach it to your application.

### 3.1 — Overview of proper consent process

Applicants must provide detailed information about the proposed protocols for obtaining proper consent from all responsible persons. As required by section 8 of the RIHE Act and the Research Involving Human Embryos Regulations 2017, proper consent is consent obtained in accordance with the 2017 ART Guidelines.

A definition of responsible person is given in section 8 of the RIHE Act and this must be used to ensure that proper consent has been obtained from **all** responsible persons. Particular care is required if you propose to request consent from people who have had or are having treatment cycles using donor gametes. Depending on the circumstances up to six people may be required to give consent to the use of the embryos under licence (see Box 2.1 in Chapter 2 of the Information Kit which can be accessed from the Information for Applicants page of the NHMRC website).

The description and flowchart (timeline) must clearly indicate:

- when information will be supplied to responsible persons;
- when proper consent will be obtained from each responsible person; and
- when you will notify the NHMRC Licensing Committee that proper consent has been obtained before each excess ART embryo is used under the licence and any restrictions that may have been placed on that consent as required by subsection 24(1) of the RIHE Act.

The proper consent process must be in accordance with the ART Guidelines. When developing the consent process, the National Statement and any advice issued by the NHMRC Licensing Committee should also be consulted.

### 3.2 — Documents to be provided to obtain proper consent

A copy of the proposed declaration of excess ART embryos form, proper consent form and all written information relating to the licensed use of embryos that will be provided to potential embryo donors must be attached to the NHMRC Licence Application Form.

- Ensure that the documents use language that will be readily understood by potential participants/donors and that the documents have been reviewed for completeness, clarity and accuracy. Refer to the consent checklist for details of the information required in the consent documents.

Important note: 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 reimbursement of reasonable expenses incurred by a person in connection with the supply of a human egg, human sperm or human embryo. The giving or receiving of 'valuable consideration' is prohibited.

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 advised to obtain legal advice if they intend to pay reasonable expenses and to consult the National Statement and ART Guidelines.

- 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, NHMRC has responsibility for monitoring compliance with the legislation, including compliance with licence conditions. 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 by Standard Condition 4101 to maintain a tracking system that uniquely identifies each excess ART embryo used.

### 4.1 — Tracking System

Maintenance of a tracking system that links individual embryos 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 used – refer to the ‘authorised use’ spreadsheet for the Licence Holder six-monthly and final reports to the NHMRC Licensing Committee located on the Information for Licence Holders page of the NHMRC website.

- Describe the tracking system that will be used to identify the excess ART embryos used in the proposed activity.



## Section 5 — Agreement to Meet Certain Conditions

### 5.1 — Standard Licence Conditions

The *Standard Conditions of Licence* can be obtained from the NHMRC website. These conditions apply to all licences issued by the NHMRC Licensing Committee. The applicant must be familiar with the requirements of the Standard Conditions so that informed agreement can be made to meet those conditions. Contact Embryo Research Licensing if any advice is required.

### 5.2 — Special Conditions for licences to use excess ART embryos for embryo biopsy

This section of the form lists conditions which apply specifically to licences which authorise use of excess ART embryos for training in embryo biopsy.

- A maximum of 15 suitable excess ART embryos may be used to train each trainee in the technique of embryo biopsy. In this context “suitable” is taken to mean an embryo which has greater than 50% of its blastomeres intact immediately following thawing or prior to commencement of the biopsy procedure. If 15 suitable embryos have been used and the trainee is close to but has not attained the required standard of proficiency, the applicant organisation may apply to the NHMRC Licensing Committee for a variation to the licence permitting the trainee to use a limited number of additional embryos. The variation will be considered as quickly as possible in order to facilitate continuity of training. Extra embryos must not be used until the organisation has received written approval of the variation.
- Certain preliminary training must be undertaken before the trainee commences to use excess ART embryos. The NHMRC Licensing Committee may agree to waive aspects of the preliminary training in response to a request from the applicant organisation. Any such waivers will be recorded in Attachment A (List of Authorised Persons) to the licence.
- The licence holder must make an application in respect of each trainee and obtain NHMRC Licensing Committee approval for that trainee before his or her training commences. The trainee application may be part of the initial licence application or a separate application to vary the licence to authorise each new trainee as and when required. The specific information is listed in the licence application form at Item 2.8.
- Additional reporting requirements apply in relation to use of excess ART embryos under a training licence.

### 5.3 — Monitoring Compliance

This section states that the applicant acknowledges that compliance with the conditions listed above will be monitored by NHMRC inspectors. Additional information about monitoring procedures can be obtained from Chapter 5 of the NHMRC Licensing Committee’s Information Kit which is available from the NHMRC website.

### 5.4 — Section 5 Signature

The organisation’s representative is required to sign at this point acknowledging agreement to comply with the conditions stated.

## Section 6 — HREC Evaluation of the Proposal

The chair of the Human Research Ethics Committee (HREC) will be required to validate Section 6 of the form before signing the application at Section 7.

Before a licence can be issued, the proposed activity must be assessed and approved by a HREC registered by NHMRC and which meets the requirements of Section 5.1.30 of the National Statement. As part of its assessment process, the NHMRC Licensing Committee must be satisfied that the relevant HREC is constituted in accordance with, and acting in compliance with, the National Statement and have regard to the HREC's assessment of the application.

### 6.1 — HREC contact information

#### 6.1.1 — *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. Duplicate the appropriate sections of the form as required.

#### 6.1.2 — *Chairperson of HREC*

- Provide the full name and contact details of the chairperson of the HREC.

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

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.

- Indicate the relationship (if any) of this person to the Applicant organisation.

### 6.2 — HREC consideration of application

#### 6.2.1 — *Date of HREC approval*

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

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

A statement signed by the chair 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
- the research proposal and consent procedures and documents were considered in the light of the National Statement and ART Guidelines.

The statement must 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 National Statement and the ART Guidelines.

HRECs should also take any procedural advice published by the NHMRC Licensing Committee into consideration.

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 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 National Statement include, but are not limited to, the following:

- The minimum membership of the HREC (listed in paragraph 5.1.30 of the 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.
- Adjudication 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 7 — Signatures

This section requires signatures from three people as outlined below.

### **7.1 — Organisation representative**

The 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.

### **7.2 — Principal supervisor**

The Licence Application Form must be signed by the principal supervisor – the person identified at Section 1.2.1. If Joint Principal Supervisors are proposed then each one must sign the form.

### **7.3 — Chairperson of the HREC**

The Licence Application Form must be signed by the chairperson(s) of the HREC(s) that considered the proposal (the person identified at Section 6.1.2). Before signing, the chairperson must check the validity of the information provided in Section 6.

## Section 8 — 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.

Have you:	Yes	No
Developed a detailed proposal and submitted it to your HREC for approval?		
Received HREC approval?		
Completed the Application Form?		
Ensured that the consent documents and process accurately reflect the project described in the application form?		
Completed the applicable consent checklist and included it with the application?		
Attached to the application the written evaluation prepared by the HREC?		
Arranged for the chairperson(s) of the HREC(s) that considered the original proposal to sign the application as the HREC chairperson (section 6)?		
Obtained all other signatures required in section 5 and section 7 of the Training Application Form?		
Proof-read the application and attachments?		
Attached relevant documents/approvals detailed in the application (eg. CV's, consent documents)?		
Submitted the application and all attachments to Embryo Research Licensing at <a href="mailto:embryo.research@nhmrc.gov.au">embryo.research@nhmrc.gov.au</a> ?		