

# **The Regulation of Research Involving Human Embryos in Australia:**

**a time of transition**




# **The Key Decision:**

**The Council of Australian Governments  
(COAG), 5 April 2002**



# **The Goals:**

- ⌘ That there be an approach taken to the regulation of research involving embryos that is nationally consistent**
  - ⌘ That embryo research may go ahead, but only under a strict regulatory regime**
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# The Context:





GOOD GOD, MAN...  
WHAT HAVE  
WE DONE?!

IVF  
CLINIC  
SPERM  
DONOR  
R&D  
SECTION

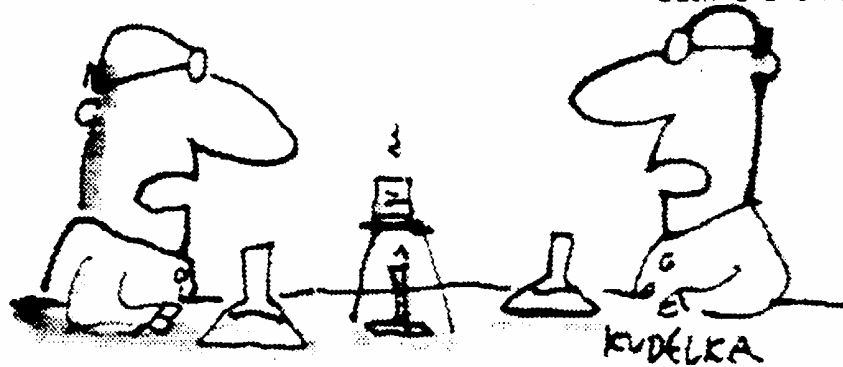
IVF  
MUM

TEST TUBES  
ARE PEOPLE TOO


FLOH.

WHAT DO  
POLITICIANS  
KNOW ABOUT  
STEM CELLS?


ABOUT THE  
SAME AS THEY  
KNOW ABOUT  
ETHICS.




# **COAG agreed:**

- ⌘ This is a difficult area of public policy**
  - ⌘ Community views vary widely**
  - ⌘ There are complex and sensitive ethical and scientific issues**
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## **COAG also agreed:**

- ⌘ That permitting the research would enable Australia to remain at the forefront of medical research**
  - ⌘ That there were concerns that such research could lead to the creation of embryos specifically for research**
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# **To strike the balance between these concerns COAG also agreed:**

- ⌘ To restrict destructive research to embryos created before 5 April 2002 for three years, but to review this restriction earlier, following a report on the adequacy of supply and distribution of embryos for research**
  - ⌘ To request a report on protocols to preclude the creation of embryos specifically for research**
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# **To strike the balance between these concerns COAG also agreed:**

- ⌘ **That the regulatory regime should be reviewed within three years,**
  - ⌘ **including review of the ban on the development of embryos other than for assisted reproduction,**
  - ⌘ **taking into account the implications of therapeutic use of embryonic stem cells.**
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***Research Involving Human  
Embryos Act 2002  
(Commonwealth)***

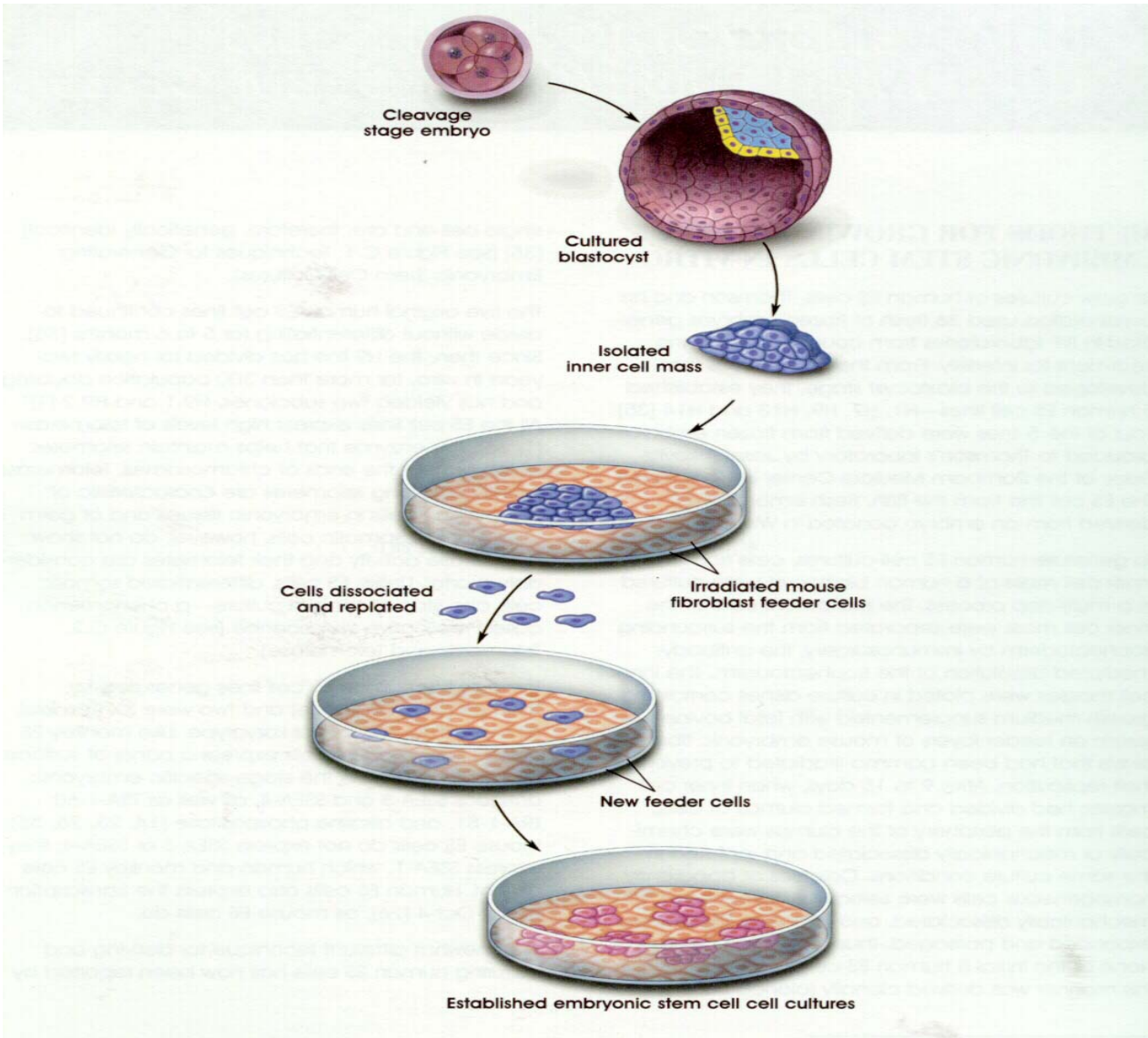


# **An excess ART embryo is defined as:**

- ⌘ an embryo that was created by assisted reproductive technology for use in the treatment of a woman and is determined to be excess to the treatment needs of the woman,**
  - ⌘ according to the written authority of the woman and her spouse (if any).**
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# **NHMRC Licensing Committee**

- **A member of AHEC**
  - **A research ethicist**
  - **A researcher**
  - **Expert in ART**
  - **Lawyer**
  - **Person with expertise in consumer issues relating to disability and disease**
  - **Person with expertise in consumer issues relating to ART**
  - **Person with expertise in the regulation of ART**
  - **Embryologist**
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# **Criteria for licence for research using excess ART embryos**

- ◆ **Proper procedures in place to ensure consent to use of embryos**
  - ◆ **Embryos created before 5 April 2002**
  - ◆ **Project has been assessed and approved by a Human Research Ethics Committee**
  - ◆ **Number of embryos is limited to that required to achieve the goals of the project**
  - ◆ **Likelihood of significant advance in knowledge or improvement in technologies for treatment**
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