



Mr Scott Gregson
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Dear Mr Gregson

I refer to your letters dated 2 February 2006 to Professor Alan Pettigrew as Chief Executive Officer of the National Health and Medical Research Council (NHMRC), and to Dr Kerry Breen, Chair of the Australian Health Ethics Committee. I am responding to both letters in my role as Acting Chief Executive Officer of the NHMRC.

You asked for comment on the draft determination issued by the Australian Competition and Consumer Commission (the ACCC) in respect of the applications for revocation and substitution of authorisations A90857 and A90869 lodged by Investment & Financial Services Association Ltd (IFSA) on 4 October 2005. You also sought comment on an application for authorisation for Clauses 10.1 and 10.3 of its Standard 11.00 covering aspects of genetic testing policy for insurers.

The Human Genetics Advisory Committee (HGAC) of the NHMRC, chaired by Professor Ron Trent, discussed this issue at their first meeting 16-17 February 2006. The HGAC considered that granting the authorisation as outlined in the draft determination for a five year period was reasonable. As the Committee continues its deliberations, the issue may need revisiting during that period, and the NHMRC will provide updated advice as appropriate.

On the basis of the HGAC's considerations and given the timing of your request, the NHMRC concurs with the ACCC's draft determination. As outlined in Professor Pettigrew's letter dated 4 November 2005, the content of clauses 10.1 and 10.3 appear in accordance with the relevant recommendations in the joint Australian Law Reform Commission and Australian Health Ethics Committee report *Essentially Yours: The Protection of Human Genetic Information in Australia*.

For further information regarding the HGAC, the contact officer is Dr Greg Ash on (02) 6289 9860.

Yours sincerely

Mr Bill Lawrence
Acting Chief Executive Officer
24 February 2006



cc Dr Kerry Breen, Chair, Australian Health Ethics Committee
Professor Ron Trent, Chair, Health Genetics Advisory Committee (HGAC)
Mr Richard Gilbert, Chief Executive Officer, IFSA