

Submission form

Please provide your contact details below.

Name:	
If this submission is made on behalf of an organisation, please name the organisation:	
Please provide a brief description of the organisation if applicable:	
Address/email:	
Interest in this topic (eg, user of fertility services, health professional, member of the public):	I am a user of fertility services, a health professional, AND a member of the public

We will place all submissions on ACART's website, except where we are asked that submissions be withheld in full or part for reasons of confidentiality. We will remove contact information from all submissions.

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I **request** that my submission be withheld in full or part from publication on ACART's website (if you wish a part to be withheld, please clearly indicate which part).

Please note that all submissions may be requested by any member of the public under the Official Information Act 1982 (the Act). If there is any part of your submission that you consider should be properly withheld under the Act, please make this clear in your submission, noting the reasons.

If information from your submission is requested under the Act, the Ministry of Health (the Ministry) will release your submission to the person who requested it. The Ministry will remove your name and/or contact details from the submission if you check one or both of the following boxes. Where a submission is made on behalf of an organisation, the Ministry will not remove the name of the organisation.

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I **do not** give permission for my name to be released to persons under the Official Information Act 1982.

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I **do not** give permission for my contact details to be released to persons under the Official Information Act 1982.

We will acknowledge all submissions. A summary of submissions will be sent to those who request a copy. The summary will include the names of everyone who made a submission, except where individuals have asked for personal details to be withheld.

Do you wish to receive a copy of the summary of submissions?

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Yes

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No

Questions about the proposed amendments to the guidelines

Question 1

Do you agree with ACART's conclusions that:

- the surrogacy guidelines currently discriminate on the basis of sex and sexual orientation, and
- the discrimination is not justified in light of the principles of the Human Assisted Reproductive Technology Act 2004?

Yes

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No

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Please give reasons for your views.

If heterosexual couples can utilize surrogacy but homosexual couples cannot, that to my mind is discrimination. Assuming that homosexual couples can qualify for surrogacy services in the same way that heterosexual couples can – ie by the same standards of emotional, financial, physical health or whatever other criteria are used, this option should be available to them.

Question 2

Do you agree with ACART's view that surrogacy should be used only where there is a need, and not for convenience?

Yes

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No

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Please give reasons for your views.

The issue is who decides what is 'need' versus 'convenience'. I don't think the use of a surrogate should be like hiring a housecleaner, but at the same time, demonstrating need should not be unduly onerous for an already stressed couple.

Question 3

Do you have any other comments on ACART's proposed amendments to the *Guidelines on Surrogacy Arrangements involving Providers of Fertility Services*?

no

Question 4

Do you agree with ACART's proposal that single men and male couples applying to ECART to enter a surrogacy arrangement should also be able to apply to use eggs donated by a family member?

Yes

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No

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Please give reasons for your views.

Who better?

Question 5

Do you agree with ACART's proposal that single women and lesbian couples should be able to apply to ECART to use sperm donated by a family member without needing a medical justification?

Yes

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No

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Please give reasons for your views.

I would also argue that these women should be able to use sperm donated by friends without needing a medical justification. The presence or absence of an extended family including one or more men who are willing to donate sperm is not something that the single woman or lesbian couple can control. If they have a willing donor, then what difference does it make what that relationship is? Families can be extremely dysfunctional so it is hardly a guarantee that all will go well in the long term if the donor is known and related to the couple. Would it only be acceptable for a single woman to use sperm from a 2nd cousin? What about a 1st cousin? What about a brother? Or a half-brother? Or a step-brother? What is 'whanau' in this context? There are so many foreign-born New Zealanders these days that many people who may wish to use donated sperm may not have large (or any) appropriate family members with them in the country. Assuming they are able to have a child, why should they be discriminated against? I disagree with the requirement for a medical justification for the use of donated sperm by single women and lesbian couples.

Question 6

Do you agree with ACART's view that the use of eggs or sperm donated by a family member should be possible only where intending parents do not have their own eggs or sperm, or if they do, that there is a medical reason for them not to use their own eggs or sperm?

Yes

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No

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Please give reasons for your views.

I don't think this is anyone's business but the prospective parents (biological and adoptive). Should the couple be willing to go to these lengths, it seems obvious that they have what they perceive to be a compelling reason to do so.

Question 7

Do you have any other comments or suggestions about either the proposed amendments to the guidelines or the associated discussion?

I would also like to register my **STRONG** disapproval of the current policy which prohibits the donation of embryos created (in part) from donor sperm.

I have several healthy (frozen) embryos which were created through the use of my own harvested eggs and donor sperm (IVF/ICSI process). The donor in this case was 'anonymous' – i.e. he is not known to me personally, though his identity could be obtained by any child who is the product of his donation – and I have subsequently given birth to two healthy children via IVF.

My issue is that I now have 'spare' frozen embryos that I no longer require. I am morally uncomfortable with the idea of simply discarding these potential children and would love to be able to donate them to another family who has not been as lucky as I. I am told by my fertility clinic that there is a serious need for donated embryos and that there are many families who would likely be the happy recipients of these embryos.

However, I am also told by my fertility clinic that because I was not in a relationship with the sperm donor, these resultant embryos cannot be donated. To my mind this is senseless. The man donated his sperm anonymously, comfortable with the idea that he would not know who would make use of it (or even if the sperm would be used). He clearly was happy for his sperm to be used to create a child who would be raised by persons unknown to him. Why then is it suddenly problematic when the egg donor (i.e. me) is similarly happy to have the child raised by persons other than myself?

I can certainly see the ethical issue if an embryo were to be created by an established couple (e.g. myself and my partner), then subsequent to the creation and storage of the embryo, my partner and I split up and I want to make a unilateral decision about them, e.g. to use those embryos myself (with or without a new partner) or donate them to someone else. Under those circumstances, I would wholeheartedly require the man's approval to use the embryo in any form. But that is because at the time of that embryo's creation, the man and I had an understanding that the two of us would be raising the child that resulted from the embryo. If that is no longer the case – i.e. we are not going to raise the child together as a married couple – then of course the new rules must be explicitly agreed upon by both the man and I, with the default being the destruction of the embryo.

In the circumstance I currently find myself, however, there was no such assumption made regarding how the child would be raised and by whom. The sperm donor offered his sperm freely for the use of anyone the fertility clinic approved. The fact that the egg donor (me) will not also be raising the child seems to me to be irrelevant. The child will still be raised by someone the sperm donor doesn't know. He has already approved this situation – i.e. he donated his sperm with the understanding that he would not know the child's adoptive parent(s) – so it seems to me that if I am similarly willing to donate the embryo (his sperm + my egg) to another couple, I don't see why this cannot occur. In both cases, you have donors (of sperm and egg) who are willing to help another couple bear a much-desired child. Why can we not permit this to happen under the current rules? Why is it better or more ethical to destroy a potential child, when there are couples desperate for the donation of an embryo, and both the sperm and egg donors have (separately) affirmed their willingness to let the product of their donation to exist and be raised by a family not personally known to them?