

Response ID ANON-FZ4K-4GES-J

Submitted to **Proposed Guidelines for the Posthumous Use of Gametes, Reproductive Tissue and Stored Embryos**

Submitted on **2020-09-17 13:40:06**

Introduction: Seeking feedback on draft guidelines

Proposal A: All posthumous use should be subject to ECART review

1 Should ethical review by ECART be required for all posthumous uses of gametes or reproductive tissue, even if consent to specific use was given while the deceased person was alive?

No

Comments:

Having been through ivf myself, these decisions and future potential scenarios have already been considered by a couple or the donor(s). These processes post death and pre egg/ sperm collection/ embryo stage should ensure all scenarios have been stated and considered. For example not just if gametes/ reproductive tissues involves 2 people, but when there is a third party supplying these,, or if a female partner was to die - could the other partner use tho embryos with another partner, or gift them etc.

2 Should ethical review by ECART always be required for the posthumous use of stored embryos, even if consent to specific use was given while the deceased person was alive?

No

Comments:

As above in 1 every possible scenario should be considered and stated pre procedures to cover off such potential scenarios. While it seems easy with 2 people providing gametes/ tissue and subsequent embryos and desire to use if a partner was to die, we know the scenarios are much wider. Where this has never been agreed, only then should ECART be involved.

3 Do you agree that ACART should recommend a change to the HART Order 2005 to ensure all posthumous use is considered by ECART?

No

Comments:

4 Do you agree that the guidelines should allow for the posthumous use of clinic donor sperm or eggs, if there is already a child from the person who donated those gametes and the new child will be in the same family?

Yes

Comments:

Should be agreed/ not agreed at the start of fertility treatment.

Proposal B: Consent must be for use by a specified person/s

5 Do you agree that the deceased person must have consented to a specific use?

Yes

Comments:

6 Do you agree with ACART, that the definition of specific use should mean “consent to use by a specific person/s”?

Yes

Comments:

And all these scenarios need to be agreed to and considered as part of any fertility plan

Proposal C: Consent to use must be proven

7 Do you agree that the intending parent(s) must provide evidence of consent to posthumous use in order to use gametes, reproductive tissue or stored embryos from a deceased person?

Yes

Comments:

Proposal D: Consent may be written or oral

8 Do you agree that oral consent is acceptable?

No

Comments:

9 Do you agree that there must be evidence of oral consent for that consent to be acceptable?

Yes

Comments:

Proposal E: In most cases, the deceased's consent to retrieval can be inferred from their consent to posthumous use

10 Do you agree that consent to posthumous use of gametes or reproductive tissue can be taken to imply consent to posthumous retrieval of the gametes or tissue?

No

Comments:

11 Do you agree that there is no need to test whether the deceased person had a full understanding of the method of retrieval of the gametes or tissue?

No

Comments:

Proposal F: ECART or the High Court will be able to authorise the retrieval of gametes or reproductive tissue from a deceased person

12 Do you agree that ACART should recommend a change to the HART Order 2005 so that it is clear that posthumous retrieval is never an established procedure?

Yes

Comments:

13 Do you agree that, subject to the change to the HART Order 2005, ECART could authorise posthumous retrieval? (Note: This would seldom or never actually happen because retrieval cases would usually be decided by the High Court.)

No

Comments:

Proposal G: Prohibiting retrieval from deceased minors

14 Do you agree that the retrieval of gametes and reproductive tissue from deceased minors, for reproduction, should be prohibited?

Yes

Comments:

15 Do you agree that if a minor freezes gametes or reproductive tissue and dies before they can use those gametes or reproductive tissue (or can consent as an adult to another use), then the gametes or reproductive tissue are not able to be used by anyone else?

No

Comments:

A minor could be having cancer treatment and hoped to preserve gametes/ tissue for letter.if they subsequently die before this was to occur they may have had an expressed wish (and this should have been explicitly considered and stated when doing so) that if they died, they may have wished to donate to a sibling, or cousin or anonymous donee (with explicit directions or not on who/ selection process who was to be involved etc)

However I would not want to see parents of a minor deciding on having that reproductive tissue used in a surrogate to then have that child (as replacement for bereaved child etc)

Proposal H: One change to the HART Act to enable minors to choose the use of their own gametes/tissue after they reach the age of 16 years

16 Do you agree that ACART should provide advice to the Minister to amend section 12 of the HART Act 2004 to enable people to choose the use of their own gametes/tissue after they reach the age of 16 years?

Yes

Comments:

Proposal I: No requirement for a specific stand-down period

17 Do you agree that there is no need for the guidelines to include a specific provision about a stand-down period?

Yes

Comments:

18 Do you agree that the counselling provision (7.f), about allowing time for grieving, is adequate for ensuring people make a well-considered decision?

Yes

Comments:

Proposal J: No change for the gamete and embryo storage period

Proposal K: The title of these guidelines

19 Do you agree with the proposed title for the guidelines of Guidelines for the Posthumous Use of Gametes, Reproductive Tissue and Stored Embryos?

Yes

Comments:

Your details

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If this feedback is on behalf of an organisation, please name the organisation and provide a brief description

Organisation name:

Organisation description:

Please explain your interest in this topic

User of fertility services

If you selected Other, please provide more detail:

What is your gender?

Female

Would you like to make a verbal submission in person or using electronic communications?

No

Which of the following age groups do you belong to?

45-54 years

What is your ethnicity? (Tick all you identify with)

NZ European

If you selected other, please specify:

Privacy and publishing submissions

Publishing submissions

Do not publish this submission

Official Information Act responses

Remove my personal details from responses to Official Information Act requests

Commercially sensitive information

This submission does not contain commercially sensitive information

If your submission contains commercially sensitive information, please let us know where.: