

## Response ID ANON-FZ4K-4GJU-S

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

Submitted on **2020-09-30 14:43:23**

### 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:

**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:

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

Yes

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:

#### 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”?**

No

Comments:

#### 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?**

No

Comments:

#### Proposal D: Consent may be written or oral

**8 Do you agree that oral consent is acceptable?**

Yes

Comments:

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

Yes

**Comments:**

But depends who is providing evidence ?

Parents and siblings partners living with person shall be exempted on basis of good faith and close relationship with the deceased person.

**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?**

Yes

**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?**

Yes

**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.)**

Yes

**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?**

No

**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:**

Why is it difference due to minor vs major. If they had made such a big decision to retrieve and store their fertility then they are mature enough to understand and use the way they wish to and may have anticipated with their close family such as parents and siblings and other members friends in their life.

**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:**

Even before that when they are at brink of minority and majority of adulthood.

**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:**

██████████

**What is your email address?**

**Email:**

████████████████████

**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**

Member of the public

**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?**

35-44 years

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

Other

**If you selected other, please specify:**

South African

## **Privacy and publishing submissions**

**Publishing submissions**

You may publish this submission

### **Official Information Act responses**

Include my personal details in 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.:**