

Response ID ANON-FZ4K-4GE2-H

Submitted to **Proposed Guidelines for the Posthumous Use of Gametes, Reproductive Tissue and Stored Embryos**
Submitted on **2020-09-15 14:30:57**

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?

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:

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:

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:

No for someone who is trying for a baby or are in a married relationship with the partner. What if the partner died before knowing there had to be some form of consent that can go through the court. That would be unfair to not give the surviving partner the chance to have their baby.
However, yes for someone who is about to separate from their partner or children has not been discussed or in an abusive relationship.

Proposal D: Consent may be written or oral

8 Do you agree that oral consent is acceptable?

Yes

Comments:

Only if there is some to confirm, ie family or friends that have heard they are wanting to have children together.

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

Yes

Comments:

How would you get this evidence, via family and friends?

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?

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.)

Yes

Comments:

How long would it take for the court to decide before the DNA is no longer 'good'

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:

There should be no question on this. Anyone under the age of 18 shouldn't be allowed to have their DNA removed!

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?

Yes

Comments:

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?

No

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

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?

20-24 years

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

NZ European

If you selected other, please specify:

Privacy and publishing submissions

Publishing submissions

You may 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.: