

Feedback form

Please provide your contact details below.

Name:	
If this feedback is 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, researcher, member of the public):	I am a health professional, researcher, user of fertility services, AND member of the public.

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

☐

I **request** that my feedback 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 feedback may be requested by any member of the public under the Official Information Act 1982 (the Act). If there is any part of your feedback that you consider should be properly withheld under the Act, please make this clear in your feedback, noting the reasons.

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

☒

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 feedback.

Questions about the issues discussed in the paper

Question 1: Altruistic donation v. commercial supply

Should it be possible to use commercially sourced gametes and embryos from other countries in New Zealand?

- | | | |
|--------------------------|---|-----------------------------|
| • In all circumstances? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| • In no circumstances? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| • In some circumstances? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If so, what circumstances might be acceptable, and what circumstances would not be acceptable?

Would a higher level of donor expenses increase the supply of locally sourced gametes?

Yes ☒ No ☐

Please give reasons for your views.

NZ has a huge number of migrants and – as in several of your examples – current NZ public policy is disadvantaging many who have innocently undergone ART in their home countries. Sperm donation in particular is rarely highly compensated, and it is ludicrous to refuse people a child out of potential fears regarding making children into a 'commodity'. It is a romantic view to assume they are not, frankly, as the trade in children – including adopted children or children created via ART – demonstrates. Until we impose regulations to ensure the fitness of ANY person desiring a child, it seems unfair to disadvantage those whom science and technology can assist.

Current policy actually has the (presumably unintended) consequence of rewarding infidelity and unsafe sexual practice by turning a blind eye to those who seek a sperm donor at the local bar, rather than working through a fertility clinic, be it in NZ or overseas. People whose life circumstance enables them to make use of overseas technology should not be hindered from having a child – especially as, in many cases, such children will be (demonstrably) more wanted and more financially resourced than children created 'the old fashioned way'.

Regarding the last question, ANYTHING that increases the supply of locally sourced gametes is a plus, especially when the relevant issue is as murky as what constitutes proper 'expenses'.

Question 2: Right of access to identifying information about donors v. no right of access to identifying information about donors

Should it be possible to use gametes and embryos in New Zealand where donor offspring do not have access as of right to identifying information about donors?

- In all circumstances? Yes ☒ No ☐
- In no circumstances? Yes ☐ No ☐
- In some circumstances? Yes ☐ No ☐
If so, what circumstances might be acceptable, and what circumstances would not be acceptable?

Please give reasons for your views.

If the NZ public wants to require that anyone who donates gametes in NZ be identifiable to a child then that's fine, but to ban gametes donated (or embryos created) in countries with different legislation seems ridiculous. It's better for the child not to exist at all than to exist but have a question mark about some aspect of their parentage? That sounds rather draconian at best. Most of us would, I suspect, choose to be born even under that question. Plus of course, many of us labor under significant misapprehensions regarding who our biological ancestors are/were, as there are no required DNA testing to prove that your father is who you think it is, let alone your grandfather, great-grandmother etc. The biographies of many people (actor Jack Nicholson is just one such example) demonstrate the elaborate fictions families will utilize in order to suppress facts which are deemed undesirable (eg pregnancies outside of marriage, infidelity, etc). If an embryo is in existence and a child is desired, why not allow the child to be created?

It is clear that the HART Act and other NZ public policies on these issues have led to a stultifying impact on potential donors – issues that do not exist in other countries who allow truly anonymous gamete donation. There is no evidence that I am aware of that suggests that the resultant children in such countries are significantly more depressed, unstable, or prone to criminal tendencies than children born 'the old fashioned way', and while SOME children of such unions may – like SOME adopted children whose adoptions date from the days of 'closed', ie anonymous, adoptions – wish to know more about their biological parents, well, such is life. We all have some challenges to live with and that should be the worst of theirs. One could certainly argue that preventing a child from being born at all is significantly more harmful to them than not providing them with definitive information regarding their biological parentage. In other nations, such as the USA, there is often tension in such circumstances when an adopted child wishes to trace their birth parent and one or more of the birth parents have absolutely no desire to be traced or contacted; perhaps the viewpoints will change over time but perhaps they won't. Either way, the child is still in existence and able to enjoy all other aspects of their lives. What the current legislation in NZ does is prevent the child from being created at all. Is that really a better solution? For whom?

Just as not all children (or parents) in closed adoptions feel it desirable or necessary to trace their biological roots, not all children (or parents) created from anonymous donors feel bereft or incomplete. The existing public policy disadvantages all of them, including the unknown number of potential children who have not been given the opportunity to exist due to the current policy. At least by permitting embryos that were created in good faith, under the existing laws of the relevant time and jurisdiction, the negative impacts of this policy can be mitigated.

Question 3: Family size limitations

Should it be possible to use donated gametes or embryos in import/export where the use may exceed New Zealand limits on the number of families assisted?

- In all circumstances? Yes ☒ No ☐
- In no circumstances? Yes ☐ No ☐
- In some circumstances? Yes ☐ No ☐

If so, what circumstances might be acceptable, and what circumstances would not be acceptable?

Please give reasons for your views.

Until similar limits are placed and enforced on other potential parents, it seems unfair to single out ART parents for such limits. Also, assuming the major concern is around siblings unknowingly procreating or otherwise unbalancing the (theoretically) limited gene pool in a small country like NZ, the use of imported gametes/embryos would appear to obviate those concerns by bringing in 'fresh blood' as it were. Why would this be a negative?

In terms of potential export, donors should have to state what their wishes are and then those wishes should be adhered to. In the example mentioned, if Bill wanted to limit his potential offspring then his sperm should not be shipped overseas, and the family would need to find a new donor. Assuming conditions could be set so as to allay Bill's concerns, then he could donate. This should be a matter to be sorted out and contractually agreed to by donors and recipients.

Question 4: Prohibitions on the use of sex selection

Should it be possible to use imported embryos subject to sex selection for reasons prohibited in New Zealand?

- | | | | | |
|--------------------------|-----|-------------------------------------|----|--------------------------|
| • In all circumstances? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • In no circumstances? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| • In some circumstances? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

If so, what circumstances might be acceptable, and what circumstances would not be acceptable?

Please give reasons for your views.

While many of us would consider deliberate sex selection to be inappropriate, there are cultural and other reasons why some people find it important to have a boy or girl. Is it worse to screen potential children (ie embryos) as opposed to continue having children until you hopefully get the sex you want, potentially creating children of the 'wrong' sex whose treatment may reflect this opinion? Until we prevent the latter, why should we prevent the (arguably less traumatic) former? And besides, once you start imposing limitations you will simply drive people into coming up with other explanations for their actions that are considered more culturally/legislatively/politically acceptable. I would rather keep the public nose out of what is fundamentally a family's decision.

Question 5: Scope of informed consent

Should explicit consent to export gametes and embryos to and from New Zealand:

- Be required in all circumstances? Yes ☐ No ☐
- Not be required? Yes ☐ No ☐
- Be required in some circumstances? Yes ☒ No ☐

What are those circumstances?

If the gametes/embryos are potentially to be used in the creation of children (ie not merely for research as in your example) then consent should be required BUT... see below.

Please give reasons for your views.

Consent forms should always have import/export questions on them, at least for those created here in NZ. For gametes and embryos created overseas where the consent form does not have these questions and where the potential user/family has no option to contact the donor and solicit their consent, then the INTENTION of the donor should be considered to determine if the gamete/embryo can be imported. For example, if sperm was donated anonymously to a sperm bank then the obvious intention of the donor was to allow the sperm to be used in any way desired by the recipient. The sperm or embryos should thus be allowed into NZ. If sperm was donated to a researcher for use in studies on sperm motility, then it cannot be imported and used to create a child. (But it could be imported for other sperm-related research). The key is also whether a good faith effort has been made to obtain consent regardless of donor location.

Question 6: Use of gametes and embryos overseas in procedures or research prohibited or precluded in New Zealand

Should people be able to IMPORT OR export gametes and embryos for uses prohibited or precluded in New Zealand?

- In all circumstances? Yes ☒ No ☐
- In no circumstances? Yes ☐ No ☐
- In some circumstances? Yes ☐ No ☐
If so, what circumstances might be acceptable, and what circumstances would not be acceptable?

Please give reasons for your views.

My reason for saying that people should in all circumstances be able to import/export gametes and embryos for uses currently prohibited or precluded in NZ is that I think that many of the current prohibitions are stupid and ill advised, and I have no faith in ECART's ability to determine 'acceptable' circumstances. This is a shame, as the "it depends" answer would normally be my preferred option.

Like many others, I have no issue with prohibiting import/export for things which are (currently) considered morally repugnant by our culture, such as creating a child from a cloned or genetically modified embryo. The issue I do have is when policy is unnecessarily sweeping - as in the example where a cancer survivor is prevented from trying to use her ovarian tissue to have a child or prohibiting a family from assisting in finding a cure for cystic fibrosis.

In particular, I find it both illogical and appalling that in NZ, an embryo created in part by an anonymous donor (who was obviously happy for his/her gamete to be used to create a child and put no restriction on who else would contribute gametes to the creation of said child) cannot then be donated to a needy family. In my particular case, as a woman I suffered from an 'acute sperm deficiency' in my desire to have a child. While I could have hung out at bars and had casual sex until I got pregnant, I chose to do what I like to think was a smarter, saner, and safer approach and worked through a fertility clinic. I was able to create embryos using sperm from an anonymous donor, who had donated his sperm via the clinic and with no knowledge of me personally. I now have two children and consider my family complete. I still have several frozen embryos in storage.

I would very much like to donate these embryos to a family (or families) who are unable to produce viable embryos of their own but who would dearly love a child. Unfortunately, thanks to the current policy in NZ, this is prohibited even though both I and the donor are demonstrably comfortable to have others use our gametes to give them a desired child of their own.

This means that I now find myself in the (for me) ethically distressing situation of having potential children that I must either 'discard' (a lovely term, no?) or bear myself. The latter option is not ideal for a number of reasons, including my age, finances, and the needs of my existing children. That I am placed in such an invidious position by public policy, while other people who desperately WANT and NEED my embryos are prevented from getting them, is infuriating and leads to my deep cynicism about the ability of ECART to provide sensible regulation.

Question 7: Other areas where there may be a mismatch between New Zealand and overseas requirements

Are there other areas of potential mismatch that should be considered? Please describe.

n/a

Question 8: Ranking issues in importance

Please put in order the importance you give to each of the following issues in regard to import and export of gametes and embryos with 1 being the most important.

Altruistic donation	4
Right of donor offspring to access identifying information about donors	6
New Zealand requirements for family size limitations	5
Explicit informed consent to export to another country	1
New Zealand prohibitions on the use of sex selection [box]	3
Use of gametes and embryos overseas in procedures or research prohibited or precluded in New Zealand	1
Another issue or issues (please describe)	

Question 9

Do you have any other comments or suggestions about the issues discussed in this background paper?

See my comments above, specifically:

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In particular, I find it both illogical and appalling that an embryo created in part by an anonymous donor (who was obviously happy for his/her gamete to be used to create a child and put no restriction on who else would contribute gametes to the creation of said child) cannot then be donated to a needy family. In my particular case, as a woman I suffered from an acute 'sperm deficiency' in my desire to have a child. While I could have hung out at bars and had casual sex until I got pregnant, I chose to do what I like to think was a smarter, saner, and safer approach and worked through a fertility clinic. I was able to create embryos using sperm from an anonymous donor, who had donated his sperm via the clinic and with no knowledge of me personally. I have – happily – had two children and consider my family complete. I still have several frozen embryos in storage.

I would very much like to donate these embryos to a family (or families) who are unable to produce viable embryos of their own but who would dearly love a child. Unfortunately, thanks to the current policy, this is prohibited even though I – directly – and the donor – also explicitly – are happy to have others use our gametes to create a desired child.

This means that I now find myself in the (for me) ethically distressing situation of having potential children that I must either 'discard' (a lovely term, no?) or bear myself. The latter option is not ideal for a number of reasons, including my age, finances, and the needs of my existing children. That I am placed in such an invidious position by public policy, while other people who desperately WANT and NEED my embryos are prevented from getting them, is infuriating and leads to my deep cynicism about the ability of ECART to provide sensible regulation.

