

Feedback form

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| Name | Name withheld 1 |
| If this feedback is on behalf of an organisation, please name the organisation | No |
| 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 public) | Health professional, researcher and policy consultant |

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Question 1: Rescinding the biological link policy

Refer to section 3.

ACART is proposing that:

- the guidelines should no longer require intending parents to have a genetic or gestational link to a resulting child
- instead the guidelines should require ECART to be satisfied that where intending parents will have neither a genetic nor a gestational link to a resulting child, the lack of such links is justified.

(a) Do you agree? Yes ☒ No ☐

(b) Do you believe there are cultural implications associated with the proposed removal of the biological link policy? Yes ☒ No ☐

If so, please describe these implications.

Understanding and beliefs concerning whakapapa

Please give reasons for your views.

Question has to be asked as to how Maori belief systems can be integrated with this proposed policy which is very challenging

Question 2: Access to information held on birth certificates

Refer to section 3.

ACART is interested in hearing views about potential strategies to strengthen a donor offspring's access to information about their origins, which is held on their birth certificate.

Do you have suggestions? Yes ☒ No ☐

Please give reasons for your views.

Should be annotation on birth certificate as proposed by NZ Law Commission

Question 3: Format of the proposed guidelines

Refer to section 4.1.

ACART is proposing to issue one set of guidelines to ECART that encompass family gamete donation, embryo donation, the use of donated eggs with donated sperm and clinic-assisted surrogacy.

Do you agree with the format of the proposed guidelines? Yes ☒ No ☐

Please give reasons for your views.

Avoids current confusions. More efficient

Question 4: Justification to use a procedure

Refer to section 4.2.

ACART is proposing that ECART should be satisfied the proposed procedure is the best or only opportunity for intending parents to have a child and the intending parents are not using the procedures for social or financial convenience or gain.

Do you agree?

Yes

☐

No

☒

Please give reasons for your views.

While agreeing with proposal I do have concerns about how this will work out in practice. It also needs to be recognised that this represents a move away from rights based ethical decision making

Question 5: Consent by gamete and embryo donors

Refer to section 4.3.

ACART is proposing that, where a procedure will involve the use of an embryo created from donated eggs and/or donated sperm, the gamete donor(s) must have given consent to the specific use of their gametes:

- at the time of donation; or
- when a procedure using such an embryo is contemplated.

In either case, the affected parties should receive counselling on the implications of using gametes before the gamete donor gives specific consent.

If consent is given, the gamete donor can vary or withdraw their consent only up until an embryo is created (in cases where consent is given before the embryo is created).

In addition, where a procedure will involve the use of a donated embryo, the person(s) for whom the embryo was created must give consent to the specific use of the donated embryo:

- at the time of donation; or
- when a procedure using such a donated embryo is contemplated.

Once an embryo is created, the decision to vary or withdraw consent up to the time the embryo is transferred to the womb should remain with the people for whom the embryos were created.

Do you agree?

Yes

☐

No

☐

Please give reasons for your views.

This question does not seem to me to follow fully from preceding information in 4.3. It is my belief that consent must be given for one procedure at a time—there may be a significant time lapse involved between different procedures. Also I believe there are considerable implications for donor conceived persons if they are created as a result of an embryo created by both donated sperm and donated egg. Has sufficient consideration been given to the needs of offspring concerning contact with donors? It also needs to be recognised that a sperm and egg donor is likely to meet though the offspring's desire for contact. Have the implications for the two previously unknown to each other donors been considered?

Question 6: Taking account of potential coercion

Refer to section 4.4.

ACART is proposing that ECART should take account of any factors in a relationship that might give rise to coercion or unduly influence a donor's or surrogate's consent to take part in a procedure.

Do you agree?

Yes

☒

No

☐

Please give reasons for your views.

It is important to note that coercion may also occur through emotional factors and this is not highlighted in the discussion document

Question 7: Limit to number of families with full genetic siblings

Refer to section 4.5.

ACART is proposing that full genetic siblings should continue to be limited to no more than two families.

Do you agree?

Yes

☒

No

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Please give reasons for your views.

Current policy is designed to protect the interest of all parties but particularly the offspring and this is excellent

Question 8: Legal advice

Refer to section 4.6.

ACART is proposing that ECART must be satisfied that:

- where an application includes a surrogacy arrangement, each affected party has received independent legal advice
- where an application does not include a surrogacy arrangement, each affected party has considered seeking independent legal advice
- any legal reports show that all affected parties understand the legal implications of the procedure(s).

Do you agree?

Yes ☒ No ☐

Please give reasons for your views.

Many of legal issues are covered in discussions with clinic staff so extra time and expense not necessary

Question 9: Regulation of all family gamete donations

Refer to section 5..

ACART is of the view that all family gamete donations through a fertility services provider should be regulated by guidelines and thus require ECART approval.

Do you agree?

Yes ☒ No ☐

Please give reasons for your views.

Family gamete donation is complex and should be subject to ethical review

Question 10: Donation of embryos created from donated gametes

Refer to section 6.1.

ACART is proposing that the guidelines should enable ECART to approve the donation of embryos created from donated eggs and/or donated sperm, provided ECART takes account of the potential complexity of resulting relationships and the gamete donors have given specific consent to the procedure.

Do you agree?

Yes

☐

No

☒

Please give reasons for your views.

This proposal would lead to extremely complex relationships, especially for offspring. This may be good for adults but not for offspring. The number of persons involved in their creation would be very challenging for most. What does ACART mean by "complex relationships" . I think more specific guidance to ECART is needed in this area. Also what guidance is to be provided to counsellors who have to comment on the complex relationships? This is too vague in my opinion

Question 11: Embryo on-donation and re-donation

Refer to section 6.2.

ACART is proposing that surplus donated embryos:

- should not be able to be on-donated by the recipients
- but can be returned to the donors, in accordance with any agreement between the parties, for re-donation to another party, subject to a new approval by ECART.

Do you agree?

Yes

☒

No

☐

Please give reasons for your views.

As long as limited to two families this should be fine

Question 12: Clarification of the status of embryo donation in the regulatory framework

Refer to section 6.3.

ACART is of the view that the regulatory framework should clarify that:

- all embryo donation cases are regulated by guidelines and thus require approval by ECART
- embryo donation does not include cases where an embryo created for a couple is used by one of the couple in a new relationship with the informed consent of the previous partner.

Do you agree?

Yes ☒ No ☐

Please give reasons for your views.

Logical proposal

Question 13: Regulation of all clinic-assisted surrogacies by guidelines

Refer to section 8.

ACART proposes to recommend that all clinic-assisted surrogacy cases be regulated by guidelines and thus require ECART approval.

Do you agree?

Yes ☒ No ☐

Please give reasons for your views.

As above

Question 14: Any other comments

Do you have any other comments about the proposals in this document?

I am concerned that there is in my view insufficient concern for the offspring. This seems to me to be a very adult driven discussion document. What consideration was given to the requirements of the Act in relation to offspring? There are very significant implications in the proposals for counsellors. To what extent were counsellors involved in the preparation of the document. Some of the proposals may well have been different if there had been active counsellor involvement.

While there is recognition of the “complex relationships” involved and likely to result from some of the proposals these are not spelled out. It think ACART should be providing more guidance to ECART and to counsellors on this matter