

Proposed amendments to *Guidelines on Surrogacy Arrangements involving Providers of Fertility Services* and *Guidelines on Donation of Eggs or Sperm between Certain Family Members*

Notes of meeting with Otago Fertility Service, Dunedin Hospital

17 August 2012

Attendees

Dr John Angus, Chair, ACART

Mike Legge, Member ACART

Alison Douglass Member ACART

Professor Wayne Gillett and staff (registrar and two counsellors)

Feedback received on the proposals:

- Attendees agreed with the conclusions reached by ACART in Q 1, with the ACART view in Q 2 and generally supported the proposed amendments to the surrogacy guidelines.
- Attendees also generally agreed with the changes proposed in family donation guidelines (Qs 4 and 5) and with the position taken about the circumstances of intending parents in Q 6.

Other points discussed in respect of surrogacy

- *Age of eligible woman:* Does the inability to conceive include an inability because of age? As drafted the guidelines do include age related disabilities. The medical and ethical considerations of older women bearing and raising children were discussed. Attendees noted that age would be a very crude proxy for the health and social risks, as well as raising rights questions.
- *Requirement for a genetic link to intended parents when gestational surrogate is used:* Attendees generally supported the requirement but noted that it could be viewed as discriminatory.
- *Merits of independent psychiatric or registered psychological testing of surrogate:* Attendees suggested that ACART consider a requirement that surrogates undergo a formal assessment independent of clinic counselling.

Other points discussed in respect of family donation

- Term 'unexplained infertility' in guideline (Para 68 (ii) a i refers): Attendees suggested that this did not make sense, as if it was unexplained by problem with own gametes, they could still be used in ART procedures. It was suggested that the language from the current guidelines should be retained i.e. 'a medical diagnosis of unexplained infertility that makes egg or spend donation appropriate' (Page 43 Para 2 (a) refers)

General discussion

- There was a discussion about the interpretations of the HART Act argued in a Human Rights hearing , about the extent to which the principles could be drawn on to deny services to a patient.