

Dr Kathleen Logan
Chair
Advisory Committee on Assisted Reproductive Technology

17 September 2020

Dear Dr Logan and Members of ACART

**Re: Submission on Proposed Guidelines for the Posthumous use of Gametes,
Reproductive Tissue and Stored Embryos. (Stage two consultation)**

Thank you to you and your committee for circulating these proposed guidelines as part of your consultation process.

Fertility New Zealand Inc is a charity dedicated to helping New Zealanders facing infertility. We provide support, information and advocacy. As part of our role, our Board has discussed your Proposed Guidelines and also met with Calum Barrett and Hayley Robertson. We wish to make the following comments by way of submission.

Firstly, regarding the Proposed Guidelines around the retrieval of gametes, FNZ is supportive of your proposed changes and the rationale – primarily that the deceased's consent to use their gametes or tissues implies their consent to retrieval after death if the retrieval has not already been done. Where there is uncertainty ECART or the High Court will make a ruling.

We do have concerns around the introduction of the requirement for all posthumous use to be authorised by ECART. We feel that in many cases this imposes unfair emotional and financial burden and time delay that may be unnecessary. We believe that clinic Counsellors are adequately qualified to counsel family members through this and refer the more complex cases on to ECART for consideration. In cases where explicit instructions have been left by the now deceased party, for example, mandatory counselling for Posthumous use would be an acceptable safeguard against potential future issues.

In terms of the requirement for there to be written or oral consent for Posthumous use, we would like to know more about how the consent would be gained, by whom and when. Also, clearer advice around what would constitute oral consent is required before this is considered further.

We are happy to provide further explanation should you require it.

Yours Sincerely,



Juanita Copeland

Chair

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