

## Response ID ANON-FZ4K-4GDQ-F

Submitted to **Proposed Guidelines for the Posthumous Use of Gametes, Reproductive Tissue and Stored Embryos**

Submitted on **2020-08-19 17:06:46**

### 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?**

Yes

**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?**

Yes

**Comments:**

This would allow for consideration of changes to the life and relationship situation of the living parent that occurred subsequently to the initial storage and consent .

**3 Do you agree that ACART should recommend a change to the HART Order 2005 to ensure all posthumous use is considered by ECART?**

Yes

**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:**

Providing that the donor was made aware of this when they initially consented to donate.

#### 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?**

Yes

**Comments:**

#### Proposal D: Consent may be written or oral

**8 Do you agree that oral consent is acceptable?**

Yes

**Comments:**

Only if independently witnessed and documented - eg by health professional or legal representative - or recorded to allow objective proof of consent to be assessed.

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

Yes

**Comments:**

This must be independently witnessed and documented - eg by health professional or legal representative - or recorded to allow objective proof of consent to be assessed.

**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:**

There needs to be some legal provision, however, for allowable methods of retrieval that maintain the dignity and sanctity of the deceased's body.

**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:**

By nature, retrieval of reproductive tissue/gametes is invasive both physiologically and personally and as such, people need a full understanding of what procedures would/could be undertaken should post-mortem retrieval take place. This would be an important aspect of informed consent.

**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:**

Yes but obviously only if the agreed and legal level of informed consent prior to death can be proven.

**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:**

**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:**

Please note that in general, the HART Act 2004 also requires an amendment to the initial allowable storage period of 10 years for tissue stored by minors as they will not be in a position to use that tissue within that 10 year period. For those who store tissue (eg ovarian or testicular) prior to the age of 10-12 years the initial allowable storage period should be 20 years.

**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?**

No

**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**

Health professional

**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?**

45-54 years

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

NZ European

**If you selected other, please specify:**

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