

Feedback form

Please provide your contact details below.

Name:	Kate Davenport QC
If this feedback is on behalf of an organisation, please name the organisation:	ECART
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):	

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.

☐ 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 ☐ 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?

If a family has already used commercial sourced gametes and embryos overseas and has a child it may be acceptable (in some limited circumstances) to allow the import of those commercial sourced gametes or embryos in order to enable them to complete their family. It is in the best interests of the family as a whole if treatment could be in New Zealand.

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

Yes ☐ No ☐ Possibly ☒

Please give reasons for your views.

Possibly. However, a modest level increase in expense in the vicinity of that used in the UK (£750) would at least enable the donation still to be primarily altruistic but to meet expenses and recognise inconvenience and loss of time off work etc for the donor. ECART would favour setting a figure for expenses to remove any issue about what is appropriate (\$1000 to \$1500).

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

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

New Zealand has placed a great deal of emphasis in the right of the resulting child to know their origins and the name in identifying information about the donor. NZ should not permit the import into NZ of gametes where the donor is not known. On the question of embryos there was some difference of opinion where the embryo results from a donated egg (donor may not be known) fertilised by the husband and there is a sibling in New Zealand; this needs to be explored in more depth.

Please give reasons for your views.

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?

The current limit on the number of families assisted by gametes is 10. We consider that in fact a lower number could be permissible – a maximum of 5 – unless the sole purpose was to complete a family which only had one child where those maximums may be able to be exceeded. If they have 1 child using gametes from a donor, allowing them to have another child using gametes from the same donor will not increase the number of families created using gametes from that donor.

Please give reasons for your views.

See above.

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

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

The committee were divided on this point. The opposing views were "no" in no circumstances should we allow this. This form of social engineering has led to an imbalance in the number of female babies born in countries such as India and China where sex selection via termination of a non desired gender has been achieved. This has significant social consequences. Other members of the committee feel that most people who want sex selection in New Zealand are equally likely to want a boy or a girl and as there is no bias towards one gender it should be acceptable. NZ couples generally seek it for the sake of family balancing which should be acceptable.

Please give reasons for your views.

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?

There may be some circumstances where a donor is dead or unable to be contacted when the embryo created from his or her gametes is to be exported but accepting those limited circumstances, consent should be obtained.

Please give reasons for your views.

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

Should people be able to export gametes and embryos for uses prohibited or precluded 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 checked="" type="checkbox"/> | No | <input type="checkbox"/> |

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

If a couple wish to use their gametes for purposes other than those permitted in New Zealand but permitted overseas then they should be free to export their own gametes to do as they wish
Exportation needs to be approved by ECART with ACART providing guidelines.

Please give reasons for your views.

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.

In the differing adoption and/or issue of birth certificate rules which may create problems for children born of surrogacy overseas where there are stateless or a birth certificate is issued which is not recognised by their parents country of origin creating potentially stateless children.

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	3=
Right of donor offspring to access identifying information about donors	1
New Zealand requirements for family size limitations	3=
Explicit informed consent to export to another country	4
New Zealand prohibitions on the use of sex selection [box]	5
Use of gametes and embryos overseas in procedures or research prohibited or precluded in New Zealand	2
Another issue or issues (please describe)	

We are reading "altruistic donation" as compatible with appropriate recompense for time and discomfort.

Question 9

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

