

# Feedback form

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Please provide your contact details below.

Name	Name withheld 8
If this feedback is on behalf of an organisation, please name the organisation	
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

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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.

I believe that removal of the biological link policy allows for a wider, more inclusive view of relationships that may be a positive outcome for some cultural groups.

Please give reasons for your views.

## 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.

I don't believe that a statement of donor origin should be listed on the actual birth certificate as this may be a breach of privacy where the birth certificate is required for other purposes. However, there should be an easily accessible process by which donor offspring can access information, in a manner that does not flag their status to others inappropriately.

## 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.

The four scenarios are inexpicably linked, and consistency across them is necessary.

## 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.

No reason needed. This is common sense.

## 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.

Embryo donation requires serious consideration and fully informed consent at every stage.

## 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.

There are many situations in which a decision could be viewed/experienced as coercive. The creation of a child has obvious longterm and intergenerational impact and must be undertaken with the strictest care for all parties.

## 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 ☐

Please give reasons for your views.

## 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.

The rights of all parties in a surrogacy arrangement are complex and informed consent to partake is crucial to a positive outcome. ✓

## 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 donations are complex and have current, future and intergenerational implications that may not be fully understood outside of a regulated service.

## 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.

## 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.

Embryo donation requires serious consideration and fully informed consent at every stage.

## 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.

Providing that there is some regulation of the 'informed consent of the previous partner' to ensure that this is freely given.

## 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.

Surrogacy is a complex engagement practically, legally and ethically and requires suitable and consistent oversight.

## Question 14: Any other comments

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