Advisory Committee on Assisted Reproductive Technology

Import and Export of Gametes and Embryos: Proposed advice to the Minister of Health

Feedback Form

Please provide your contact details below.

Name:	Dr Sandy Hall
If this feedback is on behalf of an organisation, please name the organisation:	Women's Health Action
Please provide a brief description of the organisation if applicable:	Women's Health Action, which was formed as a result of the Cartwright enquiry, is in its 30th year of operation and remains on the forefront of women's health in Aotearoa New Zealand. We are a women's health promotion, information and consumer advisory service operating both nationally and regionally. We have extensive networks in the public health and not-for-profit sector and provide information, analysis and advice to health providers, NGOs, DHBs, the Ministry of Health and other public agencies on women's health including screening, public health, gender and consumer issues. We provide quality, evidence-based, consumer-focused information and advice to ensure health policy and service delivery meets the needs of diverse women and has intended and equitable outcomes.
Address/email:	sandy@womens-health.org.nz PO Box 9947, New market. Auckland 1149.
Interest in this topic (eg, user of fertility services, health professional, researcher, member of the public):	Womens health action has a special focus on women's sexual and reproductive health and rights.

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.

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.

We will acknowledge all feedback.

Questions about the proposals discussed in the paper

Question 1: Import and subsequent use of gametes and embryos

Do you agree that the principles and requirements of the Human Assisted Reproductive Technology Act 2004 should apply in all cases where people wish to import into and use in New Zealand gametes and embryos sourced or created in other countries?

Yes [x] No [ ]

Please give reasons for your views.

We agree the HART Act is consistent with core values established in nationwide consultation including altruistic donation, informed consent, the protection of children and supported in our international obligations and public policy.

We consider it essential that New Zealand support ethical practices in relation to assisted reproduction internationally, in particular that imported gametes and embryos be from non-commercial sources.

Question 2: Export of gametes and embryos

Do you agree that export of gametes and embryos should be possible, provided that:

- the subsequent use of gametes or embryos is consistent with the principles and requirements of the Human Assisted Reproductive Technology Act 2004, including any prohibitions, and
- all gamete providers, including donors, have given informed consent to the export of their gametes or of embryos created from their gametes?

Yes [x] No [ ]

Please give reasons for your views.

Yes, where prohibitions are not in place and it is consistent with the principals and requirements of the HART Act, we believe people should be able to export their own material.

Women's Health Action strongly supports the requirement of explicit consent to gametes and embryos being imported/exported to or from New Zealand. This is a fundamental principle (principle 4(d)) in New Zealand's Human Assisted Reproductive Technology Act and we hold that this principle is vital to protecting the interests of donors.

Question 3: Decisions about import and export for assisted reproductive procedures

Do you agree that fertility services providers should continue to make decisions about whether the import and export of gametes and embryos for assisted reproductive procedures is consistent with the principles of the Human Assisted Reproductive Technology Act 2004, and New Zealand requirements?

Yes [ ] **No** [x]

If you disagree with the proposal, who or what should make decisions about whether the import and export of gametes and embryos for assisted reproductive procedures is consistent with New Zealand requirements?

No, we believe that ECART should be involved in decisions to import or export gametes and embryos.

We agree that additional standards and requirements should be added to the fertility services standards that are detailed and transparent.

Please give reasons for your views.

We believe that protection for consumers cannot be left solely in the hands of fertility services that have a commercial interest in providing fertility treatments.

We believe it is essential that import/export decisions are monitored and reviewed to ensure risks are managed and the human rights of donors and recipients, including informed consent are protected.

Question 4: Decisions about import and export for human reproductive research

Do you agree that the role of the Ethics Committee on Assisted Reproductive Technology in respect of human reproductive research should explicitly include considering and deciding applications to undertake human reproductive research involving imported and exported gametes and embryos?

Yes [x] No [ ]

If you disagree with the proposal, who or what should be responsible for making decisions about research involving imported and exported gametes and embryos?

Please give reasons for your views.

We agree that oversight of human reproductive research by ECART is essential.

Women's Health Action strongly opposes allowing the use of gametes and embryos overseas in procedures or research prohibited or precluded in New Zealand.

While legitimate exceptions may exist we do not accept that the answer lies in circumventing New Zealand's requirements. We believe that such a move undercuts New Zealand's regulatory environment for assisted reproductive technologies without engaging the New Zealand public in a national conversation and is unjustifiable for this reason.

Should restrictions on the use of gametes and embryos in procedures or research need to be revised in light of the developments in assisted reproductive technologies and to keep abreast of international practices that this should be done through amendments to New Zealand legislation or the development of new guidelines by ECART.

Question 5: Regulations

Do you agree that regulations should be made about the requirements for the import and export of gametes and embryos?

Yes [x] No [ ]

If you disagree with the proposal, how should requirements for import and export be set out?

Please give reasons for your views.

We agree there is a need for people to understand New Zealand's import/export requirements before undertaking offshore fertility treatment and agree that regulations would provide transparency. We agree regulations would support providers in making decisions. We agree that regulations should be applied to the activities of New Zealand providers who support consumers who are planning offshore treatment. We believe it is important that the principals of the Human Assisted Reproductive Technology Act 2004, such as donor informed consent and protecting the 'the health and well-being of children born as a result of the performance of an assisted reproductive procedure' be applied to imported and exported gametes and embryos.

Question 6: Donor compensation

Do you agree that the Ministry of Health should be asked to consider guidance to fertility services providers that allows for increased levels of donor compensation, particularly for egg donors?

Yes [x] No [ ]

Do you agree that such guidance should, for consistency, include the expenses available to surrogates?

Yes [x] No [ ]

If you agree with the proposals, do you have a view about appropriate maximum levels of compensation to donors?

We believe that remuneration of donors should be consistent with donor expenses. However, increasing expenses further than this undercuts the principal of altruistic donation and the current regulatory framework.

Donation can be increased by, for example, social marketing, (including to targeted groups such as Maori or GLB communities) and information on fertility levels.

Please give reasons for your views.

We believe that commercialising gametes and embryos risks creating an economically coercive environment for decision making by donors. This undermines the principle of free reproductive decision making and informed consent, both of which have been affirmed as sexual and reproductive human rights and are principles of the Human Assisted Reproductive Technology Act 2004.

Question 7: Public health information

Do you agree that the Ministry of Health should be asked to consider public health information about:

- the impact of age and other factors on fertility, and
- gamete donation?

Yes [x] No [ ]

Please give reasons for your views.

Yes, we believe it is important to educate the public about these important public health issues which are not widely understood.

In particular it is important that women and girls in particular have access to information about fertility and pregnancy and about fertility treatments including any risks and rates of success.

We believe that there is a need for public awareness about the need for donors.

We also believe that any public awareness campaigns should be undertaken in a manner that reaches diverse communities and takes into account differences in culture, ethnicity, sexual orientation and differences in literacy and socioeconomic background.

Question 8: Data about offshore fertility treatment and outcomes

Do you agree that the Ministry of Health should be asked to consider strategies for collecting data about the use and outcomes of offshore fertility treatment by New Zealanders?

Yes [x] No [ ]

If you agree, do you have ideas about how such information could be collected?

Provided confidentiality and informed consent processes are followed data about treatment outcomes should be collected.

Please give reasons for your views.

We believe that collecting data on outcomes including adverse events and rates of success is imperative.

We also believe donor offspring have a right to be able to access identifying information and that this is well supported in evidence from New Zealand and overseas.

Question 9: Comments or suggestions

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

Women's Health Action **supports** the use of imported gametes and embryos (including embryos created from donated gametes) **from non-commercial sources only**.

We reiterate that we believe allowing the use of imported gametes and embryos from commercial sources risks undercutting New Zealand's regulatory framework for assisted reproductive technologies and would create an economically coercive environment for decision making by donors and risks function creep towards the commercialisation of gamete and embryo donation in New Zealand and other aspects of reproduction such as surrogacy and adoption.

We believe this would undermine the principle of free reproductive decision making and informed consent, both of which have been affirmed as sexual and reproductive human rights and are principles of the Human Assisted Reproductive Technology Act 2004.

We consider it essential that New Zealand support ethical practices in relation to assisted reproduction internationally and believe this requires that imported gametes and embryos be from non-commercial sources.