

## Advisory Committee on Assisted Reproductive Technology

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

## Feedback Form

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Please provide your contact details below.

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| Name:   | John T France, PhD, DSc, FAACB                                      |
| 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:  | 19A Frater Ave, Milford, Auckland, 0620<br>jtandmmfrance@xtra.co.nz |
| Interest in this topic (eg, user of fertility services, health professional, researcher, member of the public): | Health professional (retired)                                       |

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.

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We will acknowledge all feedback.

# Questions about the proposals discussed in the paper

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## 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 ☒ No ☐

Please give reasons for your views.

I agree with ACART's proposed advice to the Minister of Health and the justification for this advice. I believe it is important and essential that ethical standards consistent with the core values held by New Zealand society are not prejudiced by allowing flexibility in the importation of gametes and embryos. By requiring that the HART Act applies in all instances ensures that our ethical standards are safeguarded. As I stated in my earlier submission, the importing and exporting of gametes and embryos risks them being treated as commodities. The restrictions imposed by the HART Act reduce this risk. The requirement will not cause hardship for couples or individuals wishing to bring into New Zealand their own embryos or gametes held by fertility service providers overseas.

## 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 ☒ No ☐

Please give reasons for your views.

The reasons given to my response to Question 1 also apply to this question. I emphasize my response only covers couples and individuals wishing to transfer their own embryos or gametes for personal fertility treatment overseas.

### 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 ☒

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?

My response to this question is a "qualified No". As I stated in my earlier submission the initial decision should be made by the fertility services provider. The application prepared by the provider should then be forwarded to another authority, eg ECART, for final approval. I think this extra step is important.

Please give reasons for your views.

Approval from another authority protects the fertility services provider from undue pressure from couples or individuals to circumvent a requirement in the HART Act which would preclude them from importing or exporting embryos or gametes.

Involving ECART in a further step in the approval process should not result in an excessive workload as the number of applications are likely to be quite small. Further, it will simplify the process of data collection in this aspect of fertility services.

## 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 ☒ 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.

I am opposed to all research involving human embryos but not so to research involving human gametes as separate entities. However, such research requires ethical approval as it does for research involving other human tissues. ECART is the appropriate ethical committee to approve or not approve this research. All human reproductive research should be governed by the HART Act.

## Question 5: Regulations

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

Yes ☒ No ☐

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

Please give reasons for your views.

I agree with the justifications set out in Section 3.6 of the Consultation Document.

## 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 ☒ No ☐

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

Yes ☒ No ☐

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

The level of compensation should be limited to the expenses and any loss of income incurred by the gamete donor or surrogate.

Please give reasons for your views.

It is important that the use of donor gametes should not be considered in isolation from the donation of other human organs and tissues for treatment of health disorders. The altruistic values inherent in the free donation of blood, kidneys and other tissues we have in New Zealand must not be prejudiced by making an exception for donation of gametes. Improving the level of kidney donation in my view is a more important health issue. Perhaps the Ministry should also consider donor compensation, following similar guidelines and limits, for a procedure that is associated with a significantly greater health risk than egg donation.

For surrogacy, the Ministry should define the guidelines though the payment of compensation should be met by the commissioning couple.

## 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 ☒ No ☐

Please give reasons for your views.

In 1997 a research study was conducted at Fertility Plus in Auckland to determine the level of knowledge of fertility awareness in women attending for consultation at this tertiary level referral clinic\*. Of the 80 women interviewed, only 21 (26%) were found to have an adequate understanding of when they ovulated and when they were potentially fertile in their menstrual cycles. I expect the low level of this knowledge in the general population together with an understanding of the effects of age and other factors influencing fecundability and fertility has little changed since then. If the Ministry of Health is to undertake a public education programme to address this lack of knowledge it may best start with its inclusion in a new general health syllabus for all years 11 – 13 secondary school students. As part of their general knowledge on health matters, I have long advocated that every women in New Zealand should have an understanding of fertility awareness learnt soon after they have begun to menstruate.

Considering gamete donation, this should be included in a general information on tissue donation which also covers blood, kidney, liver, and other tissues. Gamete donation should not be promoted in isolation when there is a greater demand for life-saving organ donation such as for kidneys.

\* Blake,D., Smith, D. et al (1997): Fertility Awareness in Women Attending an Infertility Clinic. Australian & New Zealand Journal of Obstetrics and Gynaecology 37 (3) 350 - 352

## 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 ☒ No ☐

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

I agree with the proposal though it might be difficult to collect data from all couples and individuals. The issue of personal privacy may be relevant. A possible strategy is to ask the provider of care for the woman and her pregnancy in New Zealand, to collect the relevant information. An alternative strategy is to include "health treatment" in the section in New Zealand Passenger Departure and Arrival Forms asking for the reason for this overseas trip. Those who give this as the reason could subsequently be followed up by the Ministry of Health. The cost benefit for this strategy may only be acceptable if the Ministry was interested in data related to other health treatments sort overseas by New Zealanders.

Please give reasons for your views.

The reasons set out in Section 3.9 of the Consultation Document justify the collection of the data even if the collection process does not provide complete coverage of offshore fertility treatment. A partial collection would still provide useful information to the Ministry of Health.

## Question 9: Comments or suggestions

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