

## Response ID ANON-FZ4K-4GE5-M

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

Submitted on **2020-09-30 13:02:48**

### 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:**

**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:**

It should apply to all, whether you have a child before or not

#### 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?**

No

**Comments:**

MUST does not apply

What matters is that if they have totally understood each and every question asked, the response seemed over a bunch of pages!!

Consent, what were the circumstances consent was made,

Was the consent read, understood and comprehended?

Whether it was tick box thing?

Has anyone explained and gone over consent?

**6 Do you agree with ACART, that the definition of specific use should mean “consent to use by a specific person/s”?**

No

**Comments:**

May be and may not be ....The most important thing here is that matters to that person filling/signing consent form when that person expressed that wish/ consent. Things change, circumstances/ people changes and quiet unpredictable. The consent was to be used to raise a child off that consented procedure and that's what matters the most.

#### 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:**

Please take must off the question. If parents wish to fulfill the last wishes of their lost child why on earth it is made so complicated!!!

What does a blank space left on paper means? Could it be a yes or no and that depends which way and who is looking at it. That too is a consent form a mother signed for her child and it just fun sake countersigned by a 15 yrs old . Verbal/ implied / expressed consents all matters. Parents are the one a young person live most of their life. ACART must respectful and compassionate to such situation and trust what parents share as one who have loved that deceased person unconditionally and without seeking any benefits and foul play. Why would parents lie to anyone!!

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

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

Yes

**Comments:**

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

Yes

**Comments:**

ACART/ECART need to open up thier hearts and mind here. We as parents understand the concerns and they are arising for the best interest of all specially the child born as an outcome. But please do uncomplicate and speed up the process.

yearning ...longing for years in desperation, depression and begging to have your child's assets transferred to your name and be able to fulfill her/his wishes!!!! .. How cruel and disturbing it could be for a parent/partner/sibling????

#### **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:**

##### **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:**

#### **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:**

If ECART learns to do so timely.

#### **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?**

No

**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?**

No

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:

**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?**

Yes

Comments:

Grief of loss of a loved one is our whole life.

**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?**

Yes

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**

Member of the public

**If you selected Other, please provide more detail:**

**What is your gender?**

Male

**Would you like to make a verbal submission in person or using electronic communications?**

Yes

**Which of the following age groups do you belong to?**

45-54 years

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

Asian

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

**Privacy and publishing submissions**

**Publishing submissions**

You may publish this submission

**Official Information Act responses**

Remove my personal details from responses to Official Information Act requests

**Commercially sensitive information**

This submission does not contain commercially sensitive information

**If your submission contains commercially sensitive information, please let us know where.:**