

## Submission to ACART

### *Suggestion*

We believe that the words “commercially source overseas” are emotive and may influence responses. We suggest alternative wording such as “acquired gametes” and the argument as to whether they are donated or purchased overseas becomes irrelevant. If the woman acquired the eggs in manner conforming to the laws of that land then she is acting ethically. Once the eggs have been fertilised by the woman’s partner, they are embryos belonging to the woman.

Turning to the general questions posed at the start of the submission,

*An individuals own sperm or eggs.* Yes for importation into NZ if the woman/ couple are returning NZers or taking up residency. Yes for NZ residents migrating overseas and they wish their material to travel with them – might need a restriction such that they can only do it once, and limit the number of eggs.

*Donated sperm and donated eggs.* Importation: No, there is no genetic link to the woman or couple. Also no export allowed of NZ generated embryos unless they are going to a relative and submit to an ethics application.

*Embryos created from the sperm and eggs of a couple. Yes*

Import: New Zealanders returning to NZ to start/continue their family. Yes

Migrants who can prove they have residency and have been here for one year.

Reason: they have complied with NZ legislation and overseas legislation.

Export: their embryos can travel with them to their new country of residence. Yes

Reason; humanitarian and have complied with NZ legislation to date.

*Embryos created from donated egg in conjunction with own sperm*

Import – Yes, there is a genetic linkage to the father. While it is true that the resulting child might not know its maternal genetic family history, this should be balanced against the destruction of the embryo if it is not used. Further, while this might deny the right of the child to identifying information about the donor, this is not an overwhelming reason to stop the import. It should still be allowed for humanitarian reasons.

Export – No, could be construed as trafficking

*Embryos created with own egg in conjunction with donated sperm. Yes*

Import and Export. The embryos can travel where the woman goes providing they are for the couple’s own use and not to be further donated.

*Embryos created from donated eggs in conjunction with donated sperm.*

Import and export: No, there is no genetic linkage between the embryo and the couple.

*Donated embryos. Import and export, No.*

*Ovarian and testicular tissue. No*

The above answers apply to only treatment.

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Research: No embryos, eggs, sperm or tissue to be imported or exported for research purposes unless they go through an ethics application process.

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Specific answers to specific questions.

*Question 1.*

Commercially sourced gametes should NOT be allowed to be imported into New Zealand.

However should a woman decide to travel overseas to “acquire” eggs and they have been fertilized by her partner, then that should be allowed to bring the embryos back.

A relative living overseas should be allowed to send their sperm or eggs to NZ to a related couple in New Zealand.

A higher level of donor expenses in NZ might increase the supply and should be trialled for a period of 10 years.

*Question 2*

It would be ideal for the offspring to have details about the egg donor, but if specific details (names and addresses etc) are lacking then the parents can explain their origin in general detail. This should not be a major factor in stopping NZ women importing their fertilized eggs (providing it is by her partner) from their embryos that may have been fertilized overseas.

*Question 3*

Ideally, the woman should be limited to using only one overseas egg donor, and the question of extended genetic families (with incest implications) becomes irrelevant. An alternative donor could be sourced if the first lot fail. If possible it would be ideal for NZ and Australia to have a uniform approach

*Question 4*

The person importing their own embryos must have a letter from the overseas clinic stating that NO sex selection took place. If there was, then there needs to be an explanation – e.g balanced family, which in my view is a reasonable human desire.

*Question 5*

Consent should always be sought if seeking to export gametes or embryos. Mixed views on a woman seeking to import sperm from overseas. If a donor had “donated” sperm to a sperm bank then I fail to see if it is relevant as to whether the donor would know what happens to his donation.

*Question 6*

I do not favour any export of gametes or embryos for uses that are prohibited in New Zealand. However if it involves the export of a gamete or embryo for a specific research overseas then an application must be made to a NZ ethics committee. (if there was a NZ arm to the project then this would need to happen anyway).

*Question 7*

This is a minor question and should be revisited once bigger decisions are made on the basis of this consultation.

*Question 8*

In my view there is a major omission from this ranking that we are being asked to make.

I would rank No1 as "liberalism". A woman has the right to take her eggs or fertilized embryos to whatever country she wishes to live in, and bring them back from another country, regardless of whether she is a NZer returning home or had "acquired" eggs overseas that have been fertilized by her husband. A person migrating to NZ should have the right to bring their eggs/ embryos with them to be held in a registered depository. New Zealand had a liberal philosophy and the rights of a person to make their own decisions regarding their health and wellbeing (including the desire to have children) are supreme so long as they don't interfere with the rights or freedom of others in our society and comply with the law of the land while they reside in New Zealand. They are free to do what they like overseas so long as they comply with the law in those other countries. To be consistent, the male should enjoy the same rights with his sperm.

It would be ideal to have only altruistic donation. But if there is insufficient supply in NZ then she should be able to go through a reputable clinic overseas (that adheres to the law of that country), and if there is surplus embryos, she should be allowed to bring them back. I do not believe NZ is ready yet for its own internal supply of commercial eggs.

New Zealand women should be allowed to use donated eggs from an overseas relative or life friend, providing the export of those eggs is allowed by the country in question. Any initiative to expand NZ supply is to be encouraged, but commercial supply in NZ is a step too far at this stage.

I believe all the other issues are minor apart from the question of research.

Any research on embryos and tissue should be submitted in a formal proposal to a NZ ethics committee and if the research is not approved then the question of import/ export for research becomes irrelevant.

I do not give permission for my contact details to be released under the Official Information Act.

Brian Fergus,



30 May 2013

