

Minutes of the ninety-eighth meeting of the Advisory Committee on Assisted Reproductive Technology

Held on 26 August 2022.

Present

Karaitiana Taiuru (Acting Chair)

Seth Fraser

Shannon Te Ahu Hanrahan

Kathleen Logan

Karen Reader

Catherine Ryan (online)

Sarah Wakeman

Debbie Wilson

Non-members present

Martin Kennedy. ACART Secretariat.

Emily Liu. ECART

1a. Welcome

1.1 The Acting Chair opened the meeting at 9.00 a.m. and welcomed the ECART observer.

1b. Opening comments

1.2 The lay member with a community perspective and Māori ancestry gave the opening comments. He noted the recent, substantial changes to Aotearoa New Zealand's public health services and that iwi will have an opportunity support how health services are provided to Māori.

2. Apologies

2.1 Calum Barrett, Edmond Fehoko.

3. Approval of the agenda

3.1 Members approved the agenda. They agreed to an extra item, being an update on when to continue the revision of ACART's ethical framework.

Action

- *Secretariat to add the August agenda to the ACART website.*

4. Declarations of Interests

4.1 No conflicts of interest were declared.

5. Minutes of ACART's meeting of June 2022

5.1 Members approved the minutes subject to one minor change.

Action

- *Secretariat to amend and publish the June minutes.*

6. Actions arising from ACART's June 2022 meeting

6.1 Members noted the status of the actions from the June 2022 meeting.

6.2 The Secretariat advised members that the Chair is going to contact the Bioethics Centre, at Otago University, to ask one of their members to review ACART's consultation document on human reproductive research. That review will ensure the document addresses all the ethical matters it should.

6.3 The Secretariat advised members that the Minister of Health had accepted ACART's recommendation, that the HART Order be amended, to make the cryopreservation of testicular tissue an established procedure.

6.4 The Secretariat advised members that the implementation plan for guidelines for posthumous reproduction has been written and most of the actions can be carried out if/when the Minister agrees to ACART's recommendations.

7. Status of ACART's work programme

7.1 Members noted the report.

7.2 The Secretariat also advised members about the progress of the surrogacy bill that is at Select Committee. The bill might be amended and could incorporate many of the recommendations of the Law Commission.

7.3 The Secretariat commented on the extra item for the agenda — an update on when to continue the revision of ACART's ethical framework. He noted that the review has been on hold while other priorities are addressed. Members decided to leave the work on hold while ACART finalises the consultation document for the human reproductive research.

8. Report on ECART's recent meetings

8.1 Members noted the oral report from ECART's meeting in August. ECART had considered an application to do human reproductive research and had discussed whether an embryo was being used in the research even though the study was on the culture medium after it had been used.

8.2 ECART intends to hold an extra half day meeting to address the outstanding applications.

9. Correspondence

9.1 Members noted the Chair had approved and sent:

- to ECART, the advice about the 'best or only opportunity' to have a child
- to the Health Select Committee, ACART's submission on the surrogacy bill
- to Fertility NZ, ACART's agreement that FNZ could use the ACART logo on a web-item that FNZ has posted about ACART's consultation on the guidelines for extending storage.

10. Consultation on guidelines for human reproductive research

10.1 Members went through the draft consultation document paragraph by paragraph. They agreed with most of the structure and made numerous wording changes, to make sentences easier to read and understand, and to remove possible ambiguity. Members agreed that the chapter on Te Ao Māori can be reviewed separately, by the member with expertise in Māori tikanga with the Secretariat.

10.2 Members agreed to add or move narrative, including sections on:

- the difference between viable and non-viable embryos
- questions about the status of the human embryo
- a summary of the ethical matters associated with each area of research
- research involving genetic editing
- some of the 'background' information that can be moved into ACART's online document about how fertility treatment and research are regulated in Aotearoa New Zealand.

- 10.3 Members discussed the terminology to use when referring to human embryos and fetuses and the suitability of various words including: “personhood,” “moral persons,” “rights” and “protections,” and “legal status.” Members agreed to add a definition of “moral persons.” They noted that an ethics expert will be contracted to review the document, before publication, to ensure that all of the ethical matters that should be addressed are.
- 10.4 Members amended the text that explains when an embryo or fetus can feel pain to make it clear that embryos cannot feel pain and fetuses can feel it once they are about 20 weeks developed.
- 10.5 Members agreed a working group should meet in the next few weeks to make the final substantive revisions. The full committee could then approve the document at ACART’s October meeting with a view to starting the consultation before the end of 2022. Members asked the Secretariat to make arrangements for the working group.
- 10.6 Members would also like the consultation plan to be further developed, noting that, for this particular topic, it is particularly important to consult widely and get a broad range of views about the topic.

Actions

- *Secretariat to make arrangements for the working group.*
- *Secretariat to add the narrative about the ethical matters of the types of research.*
- *Secretariat to add the narrative about viable and non-viable embryos.*
- *Secretariat to add the narrative (already written) about research involving genetic editing.*
- *Secretariat to send the updated draft consultation document to all members.*
- *Secretariat to add details to the consultation plan.*
- *Secretariat and member with expertise in Māori tikanga to review the chapter on Te Ao Māori.*

11. Consultation plan for the review of the guidelines for extending storage

- 11.1 The Secretariat advised members that six submissions had been made so far. He advised members that he will send a courtesy reminder to stakeholders, prompting them to contact the Secretariat if they wish to meet ACART to discuss the proposals.

Action

- *Secretariat to send a courtesy reminder to stakeholders.*

12. Chair’s report

- 12.1 Members noted the report.

13. Members' reports

13.1 No items this meeting.

14. Secretariat report

14.1 Members noted the report.

14.2 The Secretariat advised members that the Secretariat capacity has been changing as membership in the Ethics team has been changing.

14.3 There was a discussion about travel arrangements for members, noting that baggage allowances and accommodation details need to be checked. There was an enquiry about why the Ministry uses a travel agent who is not the 'all of government preferred agent.'

14.4 Members noted the conferences for the rest of 2022.

14.5 The member with expertise in human reproductive research noted there is the combined annual conference for the Endocrine Society of Australasia, Society for Reproductive Biology, Australasian Paediatric Endocrine Group and NZ Society for Endocrinology. This conference will be from the 13th to 16th of November 2022.

14.5 The member with expertise in human assisted reproduction offered to give a presentation on the recent conference of the Fertility Society of Australasia. She will give the presentation at ACART's October meeting.

Action

- *Member with expertise in human assisted reproduction to give a presentation on the recent conference of the Fertility Society of Australasia.*

15. Work between meetings

15.1 The Secretariat and working group will work on the draft consultation document for human reproductive research as discussed.

16. Update on appointments

16.1 The Secretariat updated members on appointments, advising them that the Ministry of Health had re-advertised for two positions. The positions to fill, or re-appoint, to are:

- a general lay person with knowledge of tikanga Māori and a community perspective
- an ethics expert
- a representative of the Children's Commissioner
- a general lay person with a community perspective.

17. Attendance at ECART

17.1 Members confirmed their attendance and potential availability.

- October 2022: Debbie Wilson, but depends on date.
- December 2022: Shannon Te Ahu Hanrahan, but depends on date.

Actions

- *Secretariat to confirm ECART meeting dates with ECART secretariat.*
- *Secretariat to send ECART dates to ACART members.*

18. Late item: advise the Minister about genetic editing in fertility treatment

18.1 The Secretariat introduced this item, explaining that it was a suggestion to scope possible work for ACART to advise the Minister of Health about the use of GE in fertility treatment. The Secretariat explained that the scoping work would assess the work already being done by other parties. In particular, work is well underway on the Therapeutic Products Bill and that bill is likely to address some uses of GE in healthcare. However, the uses of GE in fertility treatment and research are likely to be specialised and it is possible that discrete advice would be needed. If it is needed, ACART would be an ideal body to provide advice. The Secretariat explained that even the scoping could be a substantial piece of work and that it would need to be done when other work permitted.

18.2 Members discussed the suggestion and agreed in principle and the Secretariat will provide an update on scoping activities and findings when capacity allows.

The meeting closed at 3.30 pm.