

Proposed Amendments to *Guidelines on Surrogacy Arrangements Involving Providers of Fertility Services* and *Guidelines on Donation of Eggs or Sperm between Certain Family Members*

Notes of meeting with members of the gay community, Auckland 9 August 2012

Present

Dr John Angus, Chair, ACART

Associate Professor Andrew Shelling, Deputy Chair, ACART

Ben Langdon, Rob Grieve, David Friar

In attendance

Stella Li, ACART Secretariat

The points below reflect comments by one or more attendees, and do not reflect formal agreement by the meeting as a whole.

General feedback

- Attendees appeared to be in consensus about all proposed amendments to the surrogacy guidelines and family eggs or sperm donation guidelines.
- Agreed with ACART's conclusion that the current surrogacy guidelines discriminate on the basis of sex and sexual orientation, and the discrimination was not justified in light of the principles of the Human Assisted Reproductive Technology Act 2004 (HART Act).
- Endorsed the view that surrogacy should not be used for reasons of convenience.
- Agreed with ACART's proposal that single men and male couples applying to ECART to enter a surrogacy arrangement should also be able to apply to use eggs donated by a family member.
- Agreed with ACART's proposal that single women and lesbian couples should be able to apply to ECART to use sperm donated by a family member without needing medical justification.
- Agreed with ACART's view that the use of eggs or sperm donated by a family member should be possible where intending parents do not have their own eggs or sperm, or if they do, that there is a medical reason for them not using their own eggs or sperm.
- Found literature review well-researched.

Surrogacy guidelines

- The attendees commented on the language of the paragraph in the proposed guidelines, and said it did not convey the social relationship complexity factor clearly:
"ECART may not approve an application to use a surrogacy arrangement where the surrogate gestates an embryo created from donated eggs in conjunction with donated sperm. An embryo created from donated eggs in conjunction with donated sperm must

be gestated by an intending mother”[page 39 in consultation document, second bullet in proposed guidelines]. They were of the view that there should be clarification that the donation made would be by two other people, not by either or both of the intending parents.

- The attendees also noted that the proposed guidelines precluded single women entering surrogacy arrangements where they were unable to carry a child or did not have viable eggs.
- The attendees recognised that the weight of a genetic link was particularly important to New Zealanders compared to similar cultures and jurisdictions.
- The attendees said it was extremely important that convenience would not be a factor for surrogacy.
- It was also noted that the proposed guidelines would create a safer setting for everyone in the surrogacy process, and produce better outcomes for everyone.

Family eggs or sperm donation guidelines

- The attendees noted that there is lack of both favourable and unfavourable evidence for the well-being and outcomes for a child raised by a single man. However, given that single men can be put in the position of bringing up a child alone (for example, following the death of a spouse), good outcomes are often linked to good family support.