

Feedback form

Please provide your contact details below.

Name	[REDACTED]
If this feedback is on behalf of an organisation, please name the organisation.	[REDACTED]
Please provide a brief description of the organisation (if applicable).	[REDACTED]
Address/email	[REDACTED]
Interest in this topic (eg, user of fertility services, health professional, researcher, member of public)	health professional user of fertility services member of public

Are you:

☐ Male ☒ Female ☐ Other gender identity

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

☐ Yes ☒ No

Which of the following age groups do you belong to?

☐ 13–19 years ☐ 20–24 years ☐ 25–34 years
☐ 35–44 years ☐ 45–54 years ☒ 55–64 years
☐ 65–74 years ☐ 75+ years

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

☒ NZ European ☒ Māori ☐ Pacific peoples
☐ Asian ☐ Other

Privacy

We may publish all submissions, or a summary of submissions on ACART's website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information. You can also choose to have your personal details withheld if your submission is requested under the Official Information Act 1982.

If you do not want your submission published, please tick this box:

☐ Do not publish this submission.

A. All posthumous use should be subject to ECART review

Question 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 / **No**

Comments

No if there are no changes to deceased wishes

Question 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 / **No**

Comments

No if there are no changes to deceased wishes.

Question 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 / No

Comments

A provision to ensure this is an option if required.

Question 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 / No

Comments

If that is the wish of the deceased person.

B. Consent must be to a specific use

Question 5

Do you agree that the deceased person must have consented to a specific use?

Yes / No

Comments

Question 6

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

Yes / No

Comments

Consent to use must be proven

Question 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 / ☐ No

<p>Comments</p>

C. The evidence of consent may be written or oral

Question 8

Do you agree that oral consent is acceptable?

Yes / No

Comments

Question 9

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

Yes / No

Comments

oral consent only
not acceptable

D. In most cases, the deceased's consent to retrieval can be inferred from their consent to posthumous use

Question 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 / ☒ No

Comments

posthumously. deceased
would have already
have gametes in
storage.
may not consent to
retrieval. posthumously.

Question 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?

Yes / ☒ No

Comments

Do not agree that deceased
may have ~~had~~ full
understanding

- E. ECART or the High Court will be able to authorise retrieval of gametes or reproductive tissue from a deceased person

Question 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 / No

Comments

Question 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 / No

Comments

*Believe it should be a
high court matter*

F. Prohibiting retrieval from deceased minors

Question 14

Do you agree that the retrieval of gametes and reproductive tissue from deceased minors, for reproduction, should be prohibited?

Yes / No

Comments

Question 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?

Yes / No

Comments

G. 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

Question 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 / ☐ No

Comments

G. 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

Question 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 / No

Comments

Your submission may be subject to requests made under the Official Information Act 1982. If you want your personal details removed from your submission, please tick this box:

☐ Remove my personal details from responses to Official Information Act 1982 requests.

If your submission contains commercially sensitive information that you do not wish to be released, please tick this box:

☐ This submission contains commercially sensitive information.

H. No requirement for a specific stand-down period

Question 17

Do you agree that there is no need for the guidelines to include a specific provision about a stand-down period?

—

Yes / **No**

Comments

*Given discussion - This
would be dependant
on individual
circumstances.*

Question 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 / **No**

Comments

I. The title of these guidelines

Question 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 / ☐ No

Comments

clearly identifies basic
content
although retrieval not
identified in title: