

**ADVISORY COMMITTEE ON ASSISTED REPRODUCTIVE TECHNOLOGY  
ADVICE ISSUED ABOUT AN EMBRYO DONATION CASE**

**28 MAY 2010**

**TO THE ETHICS COMMITTEE ON ASSISTED REPRODUCTIVE  
TECHNOLOGY UNDER THE HUMAN ASSISTED REPRODUCTIVE  
TECHNOLOGY ACT 2004**

**BACKGROUND**

1. ECART must operate in accord with any guidelines issued by ACART (s.29(a)). As well as issuing guidelines, ACART can also issue advice to ECART on any matter relating to any kind of assisted reproductive procedure (s.35(1)(a)).
2. ACART issued *Guidelines on Embryo Donation for Reproductive Purposes* to ECART on 17 November 2008.
3. In November 2009, ACART considered a request from ECART for advice on a case where Partner A in a lesbian relationship wishes to donate surplus stored embryos, formed from her eggs and donated sperm, to her partner, Partner B. Each woman already has a child as a result of sperm donated by the same donor.
4. ACART subsequently agreed at its 12 March 2010 meeting to issue advice, taking the following into account:
  - The embryo donation guidelines preclude the donation of embryos formed from donated gametes. The intent of the guidelines is to limit the complexity of relationships and consents which would result from the donation of embryos created from donated gametes.
  - In this case, the intent of the guidelines would not be undermined by the proposed action because no new parties would be involved.
  - The advice is not considered to be significant because it does not change the intent of the guidelines, and therefore public consultation is not required.
5. ACART finalised the advice at its meeting of 14 May 2010, following consultation with ECART, and agreed the advice would come into effect from 28 May 2010.

**THE ADVICE**

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| <ul style="list-style-type: none"><li>• An application in respect of this case can be considered under the <i>Guidelines on Embryo Donation for Reproductive Purposes</i>.</li><li>• The parties to be regarded as embryo donors in this case, for the purposes of an application to ECART, are Partner A and the sperm donor.</li><li>• The party to be regarded as the recipient in this case, for the purposes of an application to ECART, is Partner B.</li></ul> |
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- The recipient in this case need not provide either a profile or a police vet to the donors.
- The parties in this case need not obtain independent legal advice.
- The advice applies only to this case, and should not be treated as creating a precedent.

A handwritten signature in cursive script that reads "Sylvia Rumball". The ink is dark and the signature is centered below the list.

Sylvia Rumball  
**Chair, Advisory Committee on Assisted Reproductive Technology**