



## **Minutes of the Sixty-eighth Meeting of the Advisory Committee on Assisted Reproductive Technology**

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Held on 11 August 2017, at the Wellington Airport Conference Centre

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### **Present**

Gillian Ferguson (Chair)  
Mike Legge (Deputy Chair)  
Jonathan Darby  
Colin Gavaghan  
Sue McKenzie  
Catherine Poutasi  
Barry Smith  
Sarah Wakeman

### **Non-members present**

Philippa Bascand, Manager Ethics, Ministry of Health  
Paul Copland, ECART  
Sue Harkness, Team Leader, Committee Support, Ministry of Health  
Martin Kennedy, ACART Secretariat  
Isabel Ross, ACART Secretariat

## **1. Welcome**

1.1 The Chair welcomed the Committee members, including new member Colin Gavaghan. Those present briefly introduced themselves.

### **1.a Opening comments**

1.2 Mike Legge gave the opening comments, speaking on the ‘vexed’ question of ART research, and the differentiation between research and innovation.

1.3 Mike noted that many techniques used in ART currently did not result from research, but from adaptive innovation, or the extension of techniques already used in ART. He asked ACART to consider what areas require research rather than innovation, including long-term genetic changes in ART individuals, consequences of cytoplasmic and mitochondrial transfer, germ-line modifications, and second and subsequent generations of children born from ART parents.

1.4 Mike suggested that a hybrid research-innovation model could be used to answer questions relating to early embryo development and the introduction of new technologies, and that this would provide scientific, clinical, moral and ethical considerations.

## **2. Apologies**

2.1 John McMillan.

## **3. Approval of the agenda**

3.1 Members approved the agenda.

### ***Action***

- *Place the August 2017 agenda on ACART’s website.*

## **4. Declarations of Interests**

4.1 These had previously been circulated.

4.2 Barry Smith reported that he is going to chair an ethics committee being formed by the Ministry of Social Development, which may lead to conflicts of interest at times.

### ***Action***

- *Update the declarations of interests document.*

## **5. Minutes of ACART’s meeting of 9 June 2017**

5.1 The minutes had been amended via email and the version presented to the meeting was approved.

### ***Action***

- *Place the June 2017 minutes on ACART's website.*

## **6. Actions arising from the previous minutes**

6.1 Members noted the status of actions arising from the June 2017 meeting.

## **7. Work programme**

7.1 Members noted the status of the programme.

7.2 There was discussion about if and how data might be obtained for ethnicity and fertility treatment. The Secretariat will ask the UNSW about this when it arranges the contract for the next ANZARD report.

### ***Budget***

7.3 Sue Harkness gave the Committee an update on the 2017/18 budget. It has not yet been approved and the Committee is working off a draft that was based on last year's actuals and this year's planned work programme.

7.4 Members noted their concerns about being asked to make decisions based on an unapproved budget and expressed that they would like an approved budget as soon as possible.

## **8. Membership changes: for noting**

8.1 Members noted the recent ACART membership changes. Alison Douglass's term expired on 22 June 2017. On 23 June 2017, Gillian Ferguson was appointed as Chair and Colin Gavaghan joined the committee as the member with expertise in legal matters. Mike Legge's term as the member with expertise in reproductive research ends in October 2017, but it was noted that it may be extended for a few months while a new member becomes familiar with the programme.

## **9. Briefing to the Incoming Minister: agree the draft**

9.1 Members heard that Health Legal has reviewed the BIM and said it was a good document.

9.2 Members requested minor amendments be made to the BIM. A track changes version would be circulated via email and finalised out of session.

9.3 Members noted that it may be useful for ACART and ECART to exchange BIMs, if ECART writes a BIM.

9.4 Members noted that there will be an opportunity to update the BIM before it is sent later in the year, in order to update advice and tailor it to the level of knowledge and experience of the incoming Minister.

### **Action**

- *Circulate the amended BIM and settle out of session.*
- *Add a glossary to the BIM.*

## **10. Review of the Fertility Services Standard: agree the proposed submission**

- 10.1 Members considered a proposed submission to the Ministry of Health on its review of the Fertility Services Standard.
- 10.2 In its informed consent advice, provided to Minister Dunne in October 2016, ACART recommended that the consent of a partner, or family/whānau, should not be required for gamete donation. The Standard requires that consent for gamete donation be obtained from a donor's partner. Members agreed to recommend this requirement come out of the standard. They noted that their recommendations will need to be consistent with the Informed Consent document.
- 10.3 ACART considered the feedback it had given in 2014, and decided which recommendations it wished to restate in its 2017 submission.

### **Action**

- *Circulate the amended submission and settle out of session.*

## **11. Review of the donation guidelines: discuss the consultation plan**

- 11.1 The Chair presented the consultation document, and sought agreement to approve it and send it for formatting. Members noted their appreciation of Betty-Ann Kelly's work on this document.
- 11.2 Members requested minor changes to the document, and noted that when amendments were made the text would need to be checked for consistency.
- 11.3 The Secretariat outlined the proposed consultation process. It is proposed to send the document to the Minister next week, then publish it online and notify stakeholders. ACART will also arrange public consultation meetings.
- 11.4 Members expressed availability to participate in public consultation meetings over coming months.
- 11.5 Widening the stakeholder group was discussed. It was suggested Colin may have additions to the stakeholder list. It was also mentioned that ethnic and LGBTQ groups could be part of the consultation.

## **Actions**

- *Secretariat to email Colin list of stakeholders.*
- *Secretariat to amend and circulate document to Working Group.*
- *Secretariat to send document to Minister's Office and the Ministry's Comm's team.*

### **12. Review of the Human Reproductive Research guidelines: discuss the skeleton guideline and topics to consult on**

- 12.1 Minister Dunne has agreed to consider a possible review of the guidelines, and has asked ACART to provide a draft of proposed new guidelines and consultation document.
- 12.2 Members discussed how to best carry out this work, determining there are two streams of parallel work — preparing the consultation document, and preparing a position statement as to why only permitting research on 'non-viable' embryos is untenable in the long-term.
- 12.3 Members agreed to progress the consultation document. Members were asked to consider the questions asked in the previous consultation on this matter, whether they should be asked again, and what new questions should be asked, and send their comments to the Working Group.
- 12.4 Members agreed to remove social science research from the proposed review. Also, members noted there are some gaps in the ethical oversight of research.

## **Action**

- *Members to send feedback to the Working Group on consultation questions.*

### **13. Review of the guidelines for posthumous reproduction: discuss the draft consultation document**

- 13.1 Members considered the updated draft posthumous reproduction consultation document and made minor amendments to the text.
- 13.2 Barry and Catherine offered to look at the Tikanga Māori section and provide revised text.
- 13.3 The Committee discussed the timing of the consultation, given that there will be a High Court hearing related to posthumous reproduction on 31 October. It was agreed consultation should take place soon after, to capitalise on the public interest and to ensure anything pertinent that comes out of the hearing can be included in the consultation document.

- 13.4 Members discussed the consultation questions, and how the Likert scale will work, as this is a new way of consulting for ACART. The merits of 'test-driving' the survey were discussed.

### **Actions**

- *Barry and Catherine to send Secretariat wording.*
- *Secretariat to amend document as requested.*
- *Gillian to write to Judge Becroft and invite him to ACART's December meeting.*

## **14. ECART's June meeting minutes: for noting**

- 14.1 Members noted the minutes.

## **15. Correspondence and enquiries**

- 15.1 Members noted various pieces of correspondence.

- 15.2 Ken Daniels has written to Minister Dunne, copying in ACART, about the import of gametes and expressing concern that permitting the import of gametes may mean resulting children cannot meet their donors. ACART asked if they can see a copy of the Minister's response.

### **Action:**

- *Secretariat to ask Ken Daniels if he can provide the response, from the Minister, to share with ACART.*

## **16. Governance**

### **16.a Chair's report**

- 16.1 The Chair gave an update on meetings she had attended, including with Associate Minister Dunne, and Ministry of Health personnel including Health Legal, Strategy and Policy, and Stewart Jessamine, Director of the Protection, Regulation and Assurance (PRA) business unit
- 16.2 The Chair noted that Minister Dunne is interested in looking forward to a broad consideration of how to regulate ART, and would like closer involvement with ACART.
- 16.3 Stewart Jessamine advised the Chair that ACART would be able to contribute to the discussion about the move of the Secretariat to the PRA business unit. The Chair suggested inviting him to ACART's October meeting.

- 16.4 Strategy and Policy have been asked to write to ACART setting out if and how they will produce parallel advice for the three outstanding projects (informed consent, import and export of gametes and embryos, and the use of cryopreserved ovarian tissue).

**Action:**

- *Secretariat to invite Stewart Jessamine to the October ACART meeting.*

**16.b Members' reports**

- 16.5 Members agreed John McMillan should attend the FSA conference on behalf of ACART.

**17. Secretariat report**

- 17.1 The report was noted.

**18. Agree the ACRT member in attendance at the ECART meeting in December**

- 18.1 Jonathan Darby will attend ECART in December.

**19. Conclusion of meeting**

- 19.1 The next ACART meeting is scheduled for 27 October 2017 and will be held at the Miramar Golf Course.
- 19.2 It was noted that the work likely between meetings is 'lots!'
- 19.3 The meeting closed at 3.30 pm.