



Minutes of the Sixty Fourth Meeting of the Advisory Committee on Assisted Reproductive Technology

Held on 9 December 2016 at the Wellington Airport Conference Centre, Wellington

Present

Alison Douglass (Chair)

Mike Legge (Deputy Chair)

Jonathan Darby

Gillian Ferguson

Kathleen Logan

Sue McKenzie

Barry Smith

Sarah Wakeman

Non-members present

Jude Charlton (ECART)

Martin Kennedy (ACART Secretariat)

Isabel Ross (ACART Secretariat)

1. Welcome

1.1 The Chair welcomed the Committee members and guests.

1.a Opening comments

1.2 Sarah Wakeman gave the opening comments, introducing herself and outlining her background in ART. She is the Medical Director at Fertility Associates Christchurch. She is an obstetrician and gynaecologist and has the subspecialist qualification in reproductive endocrinology and infertility. She has been working in the area of ART for 16 years.

2. Apologies

2.1 Catherine Poutasi and John McMillan

3. Approval of the agenda

3.1 Members approved the agenda.

Action

- *Secretariat to place the December 2016 agenda on ACART's website.*

4. Declarations of Interests

4.1 Members noted that Sarah Wakeman was not included on the list of interests, while Karen Buckingham was. Sarah will send through a list of her interests and the Secretariat will amend the list accordingly.

Action

- *Sarah to send through her list of interests.*
- *Secretariat to amend the list of declarations of interest.*

5. Minutes of ACART's meeting of 14 October 2016

5.1 The minutes were approved with minor amendments.

Action

- *Secretariat to place the amended October 2016 minutes on ACART's website.*

6. Actions arising from the previous minutes

6.1 Members noted the status of actions arising from the October 2016 meeting.

6.2 It was noted that the cryopreserved ovarian tissue advice has been revised and circulated. Mike Legge and Alison Douglass met the previous day to amend the final document and the intention is to get it submitted before Christmas.

6.3 The 2017 ECART meeting dates were noted. The Secretariat will circulate the 2017 dates and locations. The Committee agreed it is ideal to have a member at each meeting, as ACART has a legal obligation to monitor ECART's decisions.

Action

- *Secretariat to circulate 2017 ECART meeting dates and locations.*

7. Work programme: for noting

- 7.1 Members noted the status of items on the programme, and that they were waiting to hear whether human reproductive research would be added to it.
- 7.2 The Chair asked the Secretariat to email the Minister's office to advise that this matter was noted at the meeting.
- 7.3 The Committee asked to assign time in the February agenda for discussion about human reproductive research.

Action

- *Secretariat to email Associate Minister Dunne's office to note that this matter was discussed at this meeting.*

8. Sector day/symposium 2017: note the topics and speakers

- 8.1 The Secretariat noted that the programme is almost fully confirmed. There are 90 people on the list of invitees, and capacity for 60 attendees. The plan is to send the invitation to everybody on the list.
- 8.2 Members discussed and agreed the order of sessions for the symposium.

9. Review of the donation guidelines: comment on the draft discussion document

- 9.1 The Secretariat gave an overview of where the project is up to, noting that the Committee is reconsidering the mandatory policy of a biological link. The Committee was asked to look at the structure of the document and consider its readability.
- 9.2 The Committee agreed that it liked the structure of the document.
- 9.3 The Committee discussed the order of the document. It agreed it made sense to put the big policy changes first.
- 9.4 The Committee discussed the inclusion of surrogacy in the guidelines. Discussion points included:
 - if and how surrogacy involves donations
 - surrogacy is a donation of function, responsibility, or obligation
 - the guidelines are all about third party donation
 - the guidelines could use Māori concepts, such as the gifting of responsibility, upfront.
- 9.5 Various Committee members offered to contribute text to particular parts of the document.
- 9.6 The biological link policy was discussed. Members agreed the document needs to be clear about what is meant by 'biological link' and 'genetic link'. The Chair noted there has been an underlying principle in all the donation guidelines that a biological link is a requirement.

- 9.7 The Committee discussed the concepts of biological and social infertility. There was concern about the label of ‘social infertility’ and discussion about the need to avoid putting anything discriminatory in the guideline. Members noted the need to define ‘medical need.’

Action

- *Secretariat to complete the draft discussion document for the Working Group.*
- *The Working Group will reconvene when it has the document, and bring a paper to the April ACART meeting.*
- *The Secretariat will complete the draft guideline and bring it to the February ACART meeting.*

10. Review of the guidelines for posthumous reproduction: hear the report back from the working group

- 10.1 Alison introduced the first draft of the discussion document, outlining the background of this work. A very productive working group meeting was held in Dunedin on 7 November with Professor Nicola Peart who will be providing expert advice to ACART. Alison outlined the ethical issues that need to be considered, including procreative liberty, dignity and interests of donors and recipients, benefits of new procedures, value of genetic relatedness, status, rights and wellbeing of resulting children, respecting different views about spirituality, culture and mortality, and tikanga Māori and cultural diversity.
- 10.2 Gillian had circulated a document outlining the current legal position, which was taken as read. There are a range of different rules, grey areas, gaps and inconsistencies in the regulatory setting. The discussion document to accompany the revised guideline will focus on the policy aims rather than the current complex legal issues where consent cannot be obtained for the purpose of posthumous reproduction.
- 10.3 Alison advised that the next phase for the Working Group is to unpack the ethical issues. She noted that John has offered to do some work on the draft document, which will be discussed at the February meeting.
- 10.4 Barry noted there will be unique considerations here for Māori, as there are protocols and customs for dealing with the dead. He noted this is also the case for organ donation and autopsies.

11. ACART’s annual report 2015/16: approve for publication

- 11.1 Members made minor amendments to the annual report. Alison will amend the Chair’s foreword. It was noted that there needs to be consistency in the language used about monitoring functions in the annual report and in the monitoring policy. It was also noted that the ACART biographies should be formatted to look the same, and Nikki Horne’s biography should be included.

Action

- *Secretariat to email Alison a Word document of the foreword and last year's report so she can rewrite the foreword.*
- *Members to check their biographies and send any amendments to the Secretariat.*
- *Secretariat to amend the report as requested.*

12. ANZARD Report 2013: approve for publication

- 12.1 Members noted the ANZARD 2013 report.
- 12.2 Members asked the Secretariat to check what went on the website last year by way of a summary statement, and work with Sarah Wakeman to prepare a summary statement for this report.
- 12.3 There was a discussion about the funding and publication of the ANZARD report.

Action

- *Secretariat to work with Sarah Wakeman on a summary statement to be published on the ACART website with this report.*

13. ACART's monitoring policy: approve for publication

- 13.1 The monitoring policy was approved with minor amendments.

Action

- *Secretariat to make the amendments and organise the publication of the policy on the ACART website.*

Additional agenda item: conference attendance.

- The Secretariat will advise the committee if additional money becomes available to the committee in the current financial year. If so, it may be possible to send a member to the bioethics conference in Dunedin in January.
- Barry noted there is also a conference being held at AUT in June, about how to deal with research ethics in the field.

Additional agenda item: correspondence.

- Members acknowledged correspondence from Iris Reuvecamp, ECART Chairperson, supporting two specific projects on ACART's work programme, the revision of the Guidelines on the Use, Storage and Disposal of Sperm from a Deceased Man, and the Guidelines for Research on Gametes and Non-viable Embryos.
- Members acknowledged correspondence from John Peek, Fertility Associates Ltd, about the purpose of a BDM 400 form, in relation to children of a lesbian couple, conceived by IVF. The Secretariat will draft a response stating that this will be considered under the guidelines review

Action

- *Secretariat to draft a response to John Peek.*

Additional item: parallel advice by the Ministry of Health

- Members asked the Secretariat to request the Ministry write to the Chair to advise who is preparing the parallel policy advice within the Ministry in respect of both the import/export advice and the informed consent advice and the proposed timeframes for completion. The Committee is available to be consulted for clarification on any aspect of these large policy documents.

Action

- *Secretariat to ask the Ministry to write to the Chair about parallel policy advice.*

14. Governance

14.a Chair's report

14.1 The Committee noted the report.

14.2 Alison commented on her attendance at the recent Australasian Association of Bioethics and Health Law conference. There were some interesting ART-related presentations including one about the legal position for posthumous reproduction and the varied legal position between states in Australia.

14.b Member reports

14.3 Members noted the report.

15. Secretariat report to ACART

15.a Regular written report

15.1 Members noted the report.

15.b Report back from a surrogacy seminar

15.2 Isabel reported back on her attendance at the Families Through Surrogacy seminar held in Auckland on 2 December 2016. There were a number of speakers at the seminar, beginning with Margaret Casey who opened by grounding surrogacy in a New Zealand context, and outlining the legal process for cross-border surrogacy in New Zealand. Other speakers spoke about the process and legal context in the USA, Canada, and Ukraine. A New Zealand parent and surrogate closed the seminar speaking about their experiences. Isabel's written report was tabled at the meeting.

16. An ACART member to volunteer to be the "member in attendance" at the next ECART meeting

16.1 Barry Smith offered to attend the 16 February 2017 ECART meeting.

17. Conclusion of meeting

17.1 The next ACART meeting is scheduled for 9 February 2016 and will be held at the Wellington Airport Conference centre.

17.2 The meeting closed at 2.30pm.