



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

---

Held on 9 February 2017 at the Wellington Airport Conference Centre, Wellington

---

### **Present**

Alison Douglass (Chair)  
Mike Legge (Deputy Chair)  
Jonathan Darby  
Gillian Ferguson  
Kathleen Logan  
John McMillan  
Catherine Poutasi  
Sarah Wakeman

### **Non-members present**

Martin Kennedy (ACART Secretariat)  
Tom Kent (ECART Secretariat)  
Isabel Ross (ACART Secretariat)  
Michelle Stanton (ECART)

## **1. Welcome**

1.1 The Chair welcomed the Committee members and guests.

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

1.2 John McMillan spoke about how he came to be interested in fertility treatment. He commented on the welfare requirements in legislation and on the interest many people have in being genetically related to other people.

## **2. Apologies**

2.1 Sue McKenzie, Barry Smith.

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

3.1 Members approved the agenda and noted the inclusion of some late items.

### **Action**

- *Secretariat to place the February 2017 agenda on ACART's website.*

## **4. Declarations of Interests**

4.1 There were no declarations of interests.

## **5. Minutes of ACART's meeting of 9 December 2016**

5.1 The minutes were approved with minor amendments.

### **Action**

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

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

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

## **7. Work programme — current status**

7.1 Members noted the status of items on the programme.

## **8. Sector day/symposium**

8.1 Members noted the speakers and presentations for the day and asked for a list of attendees.

8.2 Members agreed how to proceed through the opening and that it would be useful to make a media release.

8.3 There was a discussion about rates of fertility treatment and an enquiry about obtaining ethnicity data.

8.4 Members asked for copies of presentations to be sent to those commenting on them to enable them to prepare.

8.5 Members noted there has been a positive response to the symposium from the sector, with a high number of attendees. Anecdotal reports are that people in the sector are excited about the day.

### **Action**

- *Write the media release.*

- *Have the media release published.*
- *Send members data on fertility treatment by ethnicity.*
- *Send members a list of attendees.*
- *Send commenters copies of presentations.*

### **Review of the donation guidelines: comment on the draft guideline**

- 9.1 There was a discussion about the draft single guideline and members requested several amendments. In particular, members noted that:
- the criteria in the guidelines must be met, so the wording of the guidelines will need to reflect the mandatory nature of the criteria
  - written consent is obtained from participants after a clinic has obtained ECART approval to do the procedure. Consequently, the wording about informed consent can be amended to take the timing of the consent into account.
- 9.2 Members discussed when people having fertility treatment must obtain legal advice. The working group will consider whether there should be a requirement that legal advice also be required for people using “family gamete” donations (at present the participants in these donations are not required to obtain legal advice). Members sought clarification of clinics' current practice in relation to legal advice, in particular whether all donors and recipients are required to obtain independent legal advice.
- 9.3 Members discussed the definition of “need” to use fertility treatment, including biological and social factors. Members agreed the Secretariat would provide draft ideas to discuss further. Members agreed that the definition would be clear that “need” does not include social or financial convenience.

### **Actions**

- *Secretariat to amend the draft guideline as requested.*
- *Arrange a working group meeting for March.*

### **10. Guidelines for posthumous reproduction**

- 10.1 Members discussed when and how consent is obtained in cases of posthumous reproduction.
- 10.2 The discussion addressed the point that if the guidelines were to be drafted to allow the collection of gametes from a deceased person there may be a need for accompanying legislative changes. Members agreed they need to consider the scenarios that could arise in posthumous reproduction to ensure the discussion document addresses all the relevant matters. ECART may have some examples of scenarios.
- 10.3 There was discussion about how the Human Tissue Act treats consent, and whether it is correct to treat gametes and embryos differently.
- 10.4 An additional paper by John McMillan, Posthumous reproduction: ethical issues, was tabled at the meeting. John introduced this paper, noting that his approach had been to pick out ethical issues in posthumous reproduction that apply most

obviously to the HART Act. It was noted that this paper could be incorporated into the draft discussion document.

- 10.5 It was suggested that distinguishing between dignity and liberty could be helpful in addressing the ethical issues. Dignity is relevant to donors and recipients, and it is possible to unwittingly cause dignity-related harm.
- 10.6 Members noted that the collection and retrieval of gametes will need to be considered separately from the subsequent use of these.
- 10.7 Members discussed the consultation process for this project, and noted it would be beneficial to have informal consultation with relevant parties while developing the discussion document, and then formal consultation on the document itself.
- 10.8 The working group will meet to progress the draft discussion document.

#### **Action**

- *Arrange a working group meeting for March.*
- *Secretariat to ask the ECART Secretariat for the last five years of cases regarding posthumous use of sperm.*

### **11. ACART's annual report, 2015/16: approve for publication**

- 11.1 All present noted that the report is almost ready for publication subject to minor amendments.

#### **Action**

- *The Secretariat will coordinate the final amendments.*

### **12. ANZARD Report 2013: approve for publication**

- 12.1 The Secretariat explained that the report is almost ready for publication subject to minor amendments.
- 12.2 There was a discussion about whether data on the use of pre-implantation genetic screening could be included in future reports. The Secretariat will look into this matter and report back to the committee.

#### **Actions**

- *Investigate whether data on the use of PGS can be included in future reports.*
- *Report findings to the committee.*
- *Secretariat to send revised foreword to the Chair.*

### **13. Governance**

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

- 13.1 The committee noted the report.

#### **b. Members' reports, including reports from conferences**

- 13.2 No reports.

### **14. Correspondence**

- 14.1 Members discussed an enquiry from Fertility Associates about the use of the “BDM 400” form and agreed a response. The Secretariat will circulate the response to members for agreement.
- 14.2 Members discussed a letter from Fertility Associates about compensation for donors. The letter was for information only and no response was needed.
- 14.3 Members noted a letter from the ECART committee to Fertility Associates which included a comment about the term “social infertility.” Members noted that the forthcoming discussion document for the review of the donation guidelines will address the term “social infertility.” No response was needed.
- 14.4 The Secretariat explained that a clinic had made an enquiry about the requirements to enter donor details onto the register when donations were made overseas. The Secretariat is drafting a response for the committee.

### **Actions**

- *Circulate the response to the letter, about the BDM 400 form, to members for agreement.*
- *Finalise and circulate the response to the clinic about entering details into the donor registry.*

## **15. Secretariat report to ACART**

- 15.1 The committee noted the written report. Martin gave a brief oral summary of his observations of the Bioethics Conference that was held in Dunedin on 27 and 28 January.

### **Additional item — surrogacy discussion**

- Alison noted the forthcoming surrogacy event being hosted by Canterbury University. There will be spaces for three ACART members. Alison has been invited to present on policy about commercial surrogacy and two other ACART members will attend.

### **Additional item — advice on cryopreserved ovarian tissue**

- Members noted that ACART’s advice, on the use of cryopreserved ovarian tissue becoming an established procedure, had been sent to Associate Minister Dunne in the week of 6 February 2017.

### **Additional item — new ACART member and Chair**

- Alison noted that her position as the Chair is being advertised by the Ministry of Health as her term finishes in June 2017. Current committee members can apply for the position as the Chair. An extension of the advertisement for the vacancies was made to allow interested parties to express their interest.

## **18. An ACART member to attend the next ECART meeting**

- 18.1 The members to attend ECART’s meetings through 2017 were confirmed.

**19. Conclusion of meeting**

19.1 The next ACART meeting is scheduled for 7 April 2017 and will be held at the Wellington Airport Conference centre.

19.2 The meeting closed at 3.15 pm.