



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

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Held on 19 October 2018, at the “Front and Centre” Conference Centre, Wellington.

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### **Present**

Kathleen Logan (Acting Chair)  
Jonathan Darby  
Colin Gavaghan (Acting Deputy)  
Sue McKenzie  
John McMillan  
Karen Reader  
Barry Smith  
Sarah Wakeman

### **Non-members present**

Belinda Clarke, Ministry of Health. (12 noon to 1.15 pm)  
Martin Kennedy, ACART Secretariat  
Emma Prestidge, Ministry of Health. (11.15 to 11.45 am)  
Michelle Stanton, ECART

**1. Welcome**

- 1.1 The Acting Chair welcomed the Committee members and Michelle Stanton from ECART. She noted that Emma Prestidge, from the Ministry of Health, would join the meeting later in the morning to introduce herself and provide an update on recent changes at the Ministry of Health. The Chair also advised members that Belinda Clarke, from the legal team at the Ministry of Health, would join the meeting at midday to discuss the review of the donation guidelines.

**1.a Opening comments**

- 1.2 Sarah provided the opening comments, reporting on several of the presentations she heard during her attendance (on behalf of Fertility Associates) at the recent annual conference of the Fertility Society of Australasia. She noted the conference is now multi-disciplinary whereas in the past it had a narrower scientific focus. Sarah noted that the procedure of ICSI is more widely used than in the past. She also noted discussion about the regulatory setting including donor anonymity and retrospective legislation (in Australia) that has removed that anonymity. One of the themes was the long term health outcomes for people born from IVF and that evidence is starting to build.
- 1.3 The Chair thanked Karen Reader for her summary of the conference she had attended of the European Society for Human Reproduction and Embryology (on behalf of Otago University).

**2. Apologies**

- 2.1 Rob McHawk. Acting Manager, Ethics, Ministry of Health. Hayley Robertson (ACART Secretariat), Senior Advisor, Ethics, Ministry of Health.

**3. Approval of the agenda**

- 3.1 Members approved the agenda.

**Action**

- *Place the October 2018 agenda on ACART's website.*

**4. Declarations of Interests**

- 4.1 Jonathan Darby asked for one item to be removed from his declarations.

**Action**

- *Remove the item requested.*

**5. Minutes of ACART's meeting of 9 August 2018**

- 5.1 The minutes were approved.

**Action**

- *Place the August 2018 minutes on ACART's website.*

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

- 6.1 Members noted the status of actions.

**7. Work programme**

7.1 Members noted the status of the programme.

*Cryopreserved ovarian tissue*

7.2 The Secretariat advised members that the Ministry of Health expects to advise the Minister further on this matter in the near future.

*Cryopreserved testicular tissue*

7.3 The Secretariat advised members that the Ministry of Health is yet to address this matter.

*Proposed Review of Fertility Services Standard*

7.4 The Secretariat advised members that the Ministry of Health is liaising with other agencies about a comprehensive review of the Fertility Services Standard. The Ministry of Business, Innovation and Employment is leading the work. A scoping exercise will be held in the near future and ACART will be invited to contribute. Members noted that the review could be a good opportunity to address any matters that ACART thinks should be regulated and which are not within its remit.

**Action**

- Advise the committee when details of the scoping exercise become available.

*Compensation for gamete donors*

7.5 The Secretariat advised members that the Ministry of Health is progressing advice to the Minister on this matter, due early in 2019.

*Donor linking from 2023*

7.6 The Secretariat informed members that the Ministry of Health has had an initial discussion with the Department of Internal Affairs (DIA) and a fertility services provider about the practicalities of “donor linking” from 2023. That will be the first year in which donor offspring and donors, to be registered under the requirements of the HART Act, will be able to seek information about, and possible contact with, one another.

7.7 The practicalities of ensuring these people can do so need to be worked through. The Ministry of Health will contact DIA in the near future to arrange a meeting to discuss this matter. (A previous meeting was deferred due to illness.)

**8. Proposed ACART meeting dates for 2019**

8.1 Members agreed the proposed dates for 2019. The dates are:

- 15 February
- 12 April
- 14 June
- 9 August
- 18 October
- 13 December.

- 8.2 Locations are to be confirmed. Members decided to set dates for working groups as and when needed.

**Actions**

- *Send invites to all members.*
- *Send the dates to the ECART Secretariat.*

**9. Posthumous reproduction**

- 9.1 The Secretariat summarised the progress to date and members agreed the working group should work through the submissions in detail to decide next steps. The working group was agreed for Monday, 17 December.
- 9.2 Members noted submitters had a broad range of opinions about if and when people should be allowed to use the gametes of people who are deceased. Matters raised by submitters included stress for the parties involved, and the inability of minors to consent. A member noted that although ACART's consultation was not a poll it has probably identified all of the relevant topics ACART needs to consider.
- 9.3 An interesting scenario is minors having fertility preservation, for cancer treatment, with the intention of using the stored material themselves later on to have children but then dying: in these cases should family/partners be allowed to use the stored material? A member agreed to contact a paediatric oncologist to obtain information about how consenting with minors is done and the matters that can arise.
- 9.4 Members agreed that if the second consultation goes ahead it will be important to present the scenarios as clearly and simply as possible.

**Actions**

- *The Secretariat to present ACART with a full submissions analysis and suggested next steps for the working group meeting.*
- *Contact a paediatric endocrinologist to obtain information about how consenting with minors is done.*
- *Secretariat to organise a working group meeting in Christchurch for 17 December.*

**10. Donation guidelines review**

- 10.1 The Secretariat summarised the paper and the actions ACART were being asked to take. Members worked through the draft consultation document and agreed to most of the text and requested some changes.

*Consent provisions*

- 10.2 Members noted that the consent provisions are full and clear and that although they are complex this is unavoidable as the various scenarios for consent involve conditions.

*Family gamete donations*

- 10.3 Members observed that the proposed provision for family gamete donations should not compel all cases to be subject to ECART consideration. A simple wording change would ensure this was the case. Members discussed the sorts of situations that would be of sufficient concern that they should be subject to ECART

consideration. Also, clinics should be able to decline cases if they are clearly so problematic that they should not proceed at all.

- 10.4 At this point Belinda Clarke, from the legal team at the Ministry of Health, joined the meeting. There was a discussion about ACART's guidelines, the HART Act and Order and the regulation of activities that raise ethical concerns. There was a discussion about how some of ACART's policy preferences could be achieved in ways other than through ACART guidelines. ACART could recommend changes to the Act or the Order in its advice to the Minister of Health.
- 10.5 After Belinda left members discussed the wording of the provision for family gamete donations and agreed it should state that if the clinic has specific concerns about a case it must submit it to ECART. Members confirmed the changes to the family gamete provisions.
- 10.6 Members continued working through the rest of the draft consultation document and requested some changes. Members agreed to hold a working group meeting within the next few weeks to complete the consultation document.

#### **Actions**

- *Amend the draft consultation document as requested.*
- *Arrange a working group meeting for Wednesday 14 November.*

#### **11. ACART's monitoring process: member reports on papers/research**

- 11.1 Item deferred to the December meeting.

#### **12. ACART's monitoring process: Secretariat report on papers**

- 12.1 Item deferred to the December meeting.

#### **13. Report on ECART's August meeting**

- 13.1 Members noted the report.

#### **14. ANZARD Report**

- 14.1 Members discussed the New Zealand specific 2015 ANZARD report which was received in June 2018 and deferred from the August meeting. The draft foreword from the Chair was presented, and an information summary sheet of the report for member's consideration.
- 14.2 Members requested changes and agreed the report should be published.

#### **Actions**

- *Amend the document as requested.*
- *Arrange publication.*

#### **15. Correspondence and Enquiries**

- 15.1 Members noted the correspondence.

**16. Governance — Chair’s Report, and members’ reports from conferences**

16.1 Members noted the reports.

**17. Secretariat report to ACART**

17.1 Members noted the report.

**Extra item**

- Emma Prestidge joined the meeting at 11.15 am. Emma is the manager of the “Quality Assurance and Safety” group in the “Health System Improvement and Innovation” business unit at the Ministry of Health. One of her teams is the Ethics team which the ACART Secretariat sits in. Rob McHawk, who gave his apologies, is the Acting Manager of the Ethics team.
- Emma noted that the Ministry of Health had recently had some internal changes as a result of Ashley Bloomfield becoming the new Director General.
- She was pleased to advise members that the Ethics team has recently recruited three staff and will be better placed to support ACART and the other committees.
- She advised that the budget plan for ACART should be the same as in 2017/18 and that the committee can continue with its regular meetings and consultations. Emma is happy to have regular contact with the committee to ensure it has the support it needs.

**18. Agree ACART members in attendance at ECART meetings in 2018**

18.1 Attendees had previously been agreed. Karen Reader will attend ECART’s meeting, on 2 November in Auckland. Kathleen Logan will attend ECART on 13 December in Wellington.

**19. Conclusion of meeting**

19.1 The next ACART meeting is scheduled for Friday, 14 December 2018 and the location is to be confirmed. Members should contact Moana for travel arrangements once the location is set.

19.2 The working group for the review of the guidelines for posthumous reproduction will meet on 17 December in Christchurch.

19.3 The working group for the review of the donations guidelines will meet on 14 November in Christchurch.

**Action**

- Contact Moana for travel arrangements.

19.4 The meeting closed at 3.10 pm.