



Minutes of the Seventy Third Meeting of the Advisory Committee on Assisted Reproductive Technology

Held on 8 June 2018, at the “Front and Centre” conference centre, Wellington

Present

Gillian Ferguson (Chair)
Kathleen Logan (Deputy Chair)
Jonathan Darby
Sue McKenzie
John McMillan
Karen Reader
Barry Smith
Sarah Wakeman

Non-members present

Iris Reuvecamp, Chair ECART
Martin Kennedy, ACART Secretariat
Hayley Robertson, ACART Secretariat

1. Welcome

1.1 The Chair welcomed the Committee members and Iris Reuvecamp from ECART.

1.a Opening comments

1.3 Sarah spoke about the history of assisted reproduction in New Zealand. She noted that the first human fertility treatment in New Zealand occurred several years after Louise Brown was born in the United Kingdom. She observed that the private providers established themselves when it became apparent that the publically funded system could not meet the demand.

2. Apologies

2.1 Colin Gavaghan, Rob McHawk (Manager, Ethics Support, Ministry of Health) and Philippa Bascand (Manager, Ethics Committees, Ministry of Health).

3. Approval of the agenda

3.1 Members approved the agenda.

Action

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

4. Declarations of Interests

4.1 Minor amendments were requested.

Action

- *Amend the declarations as requested.*

5. Minutes of ACART's meeting of 9 February 2018

5.1 The minutes were approved with minor amendments.

Actions

- *Amend the minutes as requested.*
- *Place the April 2018 minutes on ACART's website.*

6. Actions arising from the previous minutes

6.1 Members noted the status of actions and discussed matters arising.

6.4 Iris asked if ECART could see the journal articles about child welfare that John had commented on.

Action

- *Send Iris links to the particular journal articles about child welfare.*

7. Work programme

7.1 Members noted the status of the programme and discussed three items.

Cryopreserved ovarian tissue

7.2 After ACART's April meeting the Secretariat sent all members the paper, prepared by the then Deputy Chair, about the most recent literature on the procedure and

estimated numbers of girls or women in New Zealand who might wish to use the procedure.

ANZARD Report

- 7.3 The 2015 ANZARD contract has been signed by both the Manager of Ethics Committees and the University of New South Wales. ACART expects to receive a New Zealand specific report for 2015 by the end of June 2018.

ACART Annual Report 2016/17

- 7.4 The 2016/17 Annual Report has been completed. Outstanding actions included a dual foreword between Alison and Gillian, as both Chair's terms slightly overlapped in this period. The Secretariat has also received the outstanding ECART data for this period.
- 7.5 The Secretariat will facilitate the next steps to notify the Minister of Health and have the Annual Report tabled in the house. Once that has happened, the Annual Report may be published on ACART's website.
- 7.6 Following that, the Secretariat will begin the process of the next Annual Report which will be for the period of 2017/18.

ACART's budget

- 7.7 Members noted that ACART's budget for the 2017/18 financial year had not been confirmed despite the year being almost complete. The Chair advised that she had asked the Secretariat to work with the Ministry on the Committee's 2018/19 budget allocation.

Actions

- *Secretariat to write a health report to the Minister to have ACART's Annual Report tabled in the house.*
- *Secretariat to publish the Annual Report on ACART's website following this.*
- *Secretariat to begin writing and gathering data for the 2017/18 Annual Report.*

8. Posthumous reproduction

- 8.1 The purpose of this agenda item was to obtain full committee consensus on the consultation document before it is released for public consultation. At the last full meeting in April, the committee was hopeful that the document would be finalised and out for consultation by now. Unfortunately this was not possible, as internal feedback was not able to be provided on the document within the timeframe. This project was also held up last year while waiting for Justice Heath's judgment for *Re Lee* in December last year, given the importance of including the judgment in the document.
- 8.2 The Secretariat reported that it had received internal comments from Health Legal, and the Ethics Group Manager on the document. Iris Reuvecamp attended from ECART, and provided verbal feedback on behalf of ECART, as written comments were not available prior to the meeting. High level changes made are reflected in the newest version of the document, and include the following.

- 8.6 Internal feedback noted the significant amount of work undertaken to get the paper to this point. Feedback also suggested that minor structural changes to the introduction would introduce the issues more clearly, keeping in mind that the material needs to be readable for the general public to submit on if they wish.
- 8.8. There was discussion about the use of 'posthumous retrieval' as opposed to 'posthumous collection'. While noting that the HART Act refers to "collection" of gametes and that the relevant order in Re Lee referred to the extraction of sperm, the working group did not have a strong preference for either "collection" or "retrieval" as long as the document is consistent. Members agreed with that position.
- 8.9. The Committee discussed whether the paper should give some direction around question 3, concerned with who should be able to authorise the collection of gametes or tissue. Following authorisation, there is also the question of who exactly would be responsible for the retrieval of gametes or tissue, and this may be different depending on whether the person is deceased or permanently incapacitated. For example, it could be that a pathologist assists with the retrieval in cases of the deceased, and the attending physician in cases where an individual is permanently incapacitated.
- 8.11 Members noted that some options will certainly be more effective than others from a practical point of view. However it was agreed that as the paper is a stage one consultation document, ACART is hoping to cast the net wide to gauge opinions of the interested public on effective mechanisms.
- 8.12 There was also extensive discussion about the consultation question of authorisation of use. Similarly, the document has been amended to gauge the views of the interested public.
- 8.13 Those present worked through the document page by page to agree changes to the text as needed.
- 8.14 It was agreed by members that the Chair will work with the Secretariat to have the document out for consultation by 30 June 2018.

Actions

- *Secretariat to make amendments to the consultation document as requested.*
- *Secretariat to write a letter from the Chair to the Minister to advise that ACART plans to go out for public consultation by 30 June 2018.*

9. Donation guidelines review

- 9.1 This item was deferred to the August meeting to allow more time for the discussion.

10. ACART's monitoring process: member reports

- 10.1 No reports were made.

11. Report on ECART's April meeting

- 11.1 Members noted the report.

12. Correspondence and Enquiries

12.1 Members noted the correspondence.

13.a Governance — Chair's Report

13.1 Members noted the report.

14. Secretariat report to ACART

14.1 Members noted the report.

15. ACART's work programme and the Ministry's related work.

15.1 This item was deferred to the August meeting to allow more time for the discussion.

16. Agree ACART members in attendance at ECART meetings in 2018

16.1 Attendees had previously been agreed.

17. Conclusion of meeting

17.1 The next ACART meeting is scheduled for Friday, 10 August 2018 and will be held at the Airport Conference Centre in Dunedin. Members should contact Moana for travel arrangements. Members asked that the Ministry advise the start and end times and location when arranging travel.

Action

- *Advise members the start and end times and location when arranging travel.*

17.2 The meeting closed at 3.00 pm.