



**National Council of  
Women of New Zealand**

Te Kaunihera  
Wahine O Aotearoa

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**Submission to the  
Advisory Committee on Assisted Reproductive Technology on the  
Informed Consent and Assisted Reproductive Technology:  
Proposed advice to the Minister of Health**

**Introduction**

The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing 288 organisations affiliated at either the national level or to one of our 20 branches. In addition to our organisational membership, about 260 women are individual members of branches. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Health Standing Committee after reviewing prior submissions made in 2004 and 2005.

**Question 1: Access to information that must be disclosed to patients and donors prior to consent**

- (a) *Do you agree there is a need for better access to the information that must be disclosed to patients and donors prior to consent?* **YES**
- (b) *Is there other information that should be given to patients and donors as part of the informed consent process?* **YES**

Information as to what will happen to the gametes/embryos if the patients should change their mind. Are options for use or disposal of the gametes/embryos offered to both donors and patients prior to consent? The possibility that a request may later be made to use the gametes and embryos for training purposes should be included in information given prior to consent.

**Question 2: Form of consent**

- (a) *Do you agree that consent to all assisted reproductive processes, where consent is required, must be in writing?* **YES**

(b) *Do you have any other comments?* **YES**

Consent for all assisted reproductive processes must be in writing.

### Question 3: Donor consent to use gametes or embryos for training purposes

(a) *Do you agree that the consent of gamete and embryo donors should be obtained if their gametes, or embryos created from their gametes, may be used for training purposes?* **YES**

(b) *Do you have any other comments?* **YES**

Consent requirements must be regulated. It is essential that written consent from gamete and embryo donors be obtained if gametes or embryos are to be used for training purposes. Religious and ethical influences must be respected.

### Question 4: Placing conditions on donor consent

(a) *Do you agree that donors should continue to be able to place conditions on their consent?* **YES**

(b) *If so, should there be any limits on the conditions placed?* **YES**

(c) *Do you have any other comments?* **YES**

Donors should continue to be able to place conditions on their consent subject to any relevant legislation up to the time the gametes or embryos are used.

### Question 5: Ongoing information for donors on the use of their gametes

(a) *Do you agree that gamete donors should be given the option of receiving ongoing information on the use of their gametes for the following situations:*

(i) *if the gamete is about to be used?* **YES**

(ii) *on the outcome(s) of the donation?* **YES**

(b) *Is there any other information that you think should be offered to gamete donors after consent has been given?* **YES**

Requests for information must be limited to ensure the privacy of the recipient

### Question 6: Withdrawal or variation of consent by donors

(a) *Do you agree that gamete donors should be able to withdraw or vary consent to the use of their gametes up to the point of fertilisation?* **YES**

(b) *If not, when do you consider the ‘point of no return’ should be?*

We agree that a definition of the “point of no return” is needed to provide certainty and considered decision-making. We believe a donor should be able to withdraw or vary consent up to the point of fertilisation or at the point of insemination as part of assisted reproductive procedure.

### **Question 7: Consent of a partner, family or whānau to donation or use of donor gametes**

(a) *Do you agree that the consent of **partners** to the donation or use of a donor’s gametes should not be required? **YES***

(b) *Do you agree that the consent of **family or whānau** to the donation or use of a donor’s gametes should not be required? **YES***

We do not believe the consent of a partner or family or whanau should be a requirement. A donor donates because they have chosen to. It should be their choice as to whether they inform a partner, family or whanau and their choice should be respected. We are aware of the differing communitarian values of Maori but still believe ultimately the individual’s right to autonomous decision-making is paramount.

### **Question 8: Couple disputes about the future use of embryos**

(a) *Do you agree that where one party in a couple disputes the future use of embryos that have been created for them, there should be a ‘cooling-off’ period of 12 months – and if not, why not? **YES***

(b) *Do you agree that, if the couple cannot agree about the use of the embryos within that period, the embryos should be disposed of – and if not, why not? **YES***

Where there is a dispute, a cooling off period is wise and a practical way to manage the situation. This is an emotional and physical choice. It would be wise for the couple to be counselled to reach a resolution if possible.

### **Question 9: Form of requirements for informed consent**

(a) *Do you agree that requirements for informed consent should be set out in regulations? **YES***

(b) *Do you have any other comments? **YES***

Having requirements for informed consent set out in regulations would be a safeguard for all participants and would assist in avoiding disputes and uncertainties.

## Question 10: Comments or suggestions

(a) *Do you have any general comments or suggestions about the requirements for informed consent?*

Requirements for informed consent should be clear and transparent and codified in regulations to avoid potential disputes

(b) *Do you have any other comments or suggestions about the issues discussed in this consultation document?*

Assisted reproduction is an area of technology that could be vulnerable to unethical practices if not clearly monitored, regularly evaluated and carefully audited.

## Conclusion

NCWNZ thanks the Advisory Committee on Assisted Reproductive Technology for the opportunity to comment on this consultation document and we look forward to the outcome



Rae Duff  
National President



Ailsa Stewart  
Convener, Health Standing Committee