

**Advisory Committee on
Assisted Reproductive Technology**



**Guidelines on Donation of Eggs
or Sperm between Certain Family
Members**

Preamble:

The Human Assisted Reproductive Technology Order 2005 (the Order in Council) describes the collection of eggs or sperm for the purposes of donation as established procedures and, therefore, able to proceed under the management of providers of fertility services.

Providers of fertility services must practise in accordance with the Code of Practice for Assisted Reproductive Technology Units or, when it comes into effect, the Fertility Services Standard.

The Order in Council provides that approval of the ethics committee will not be required if:

- in the case of donated eggs, the donor is a sister or cousin of the recipient woman (where both are 20 or older)
- in the case of donated sperm, the donor is a brother or cousin of the recipient woman's spouse or partner (where both are 20 or older)
- in the case of a procedure that involves the use of the eggs of the female partner of the recipient woman and donated sperm, the sperm donor is a brother or cousin of the recipient woman (where both are 20 or older).

Any other proposal for the collection and donation of eggs or sperm between family members must be submitted to ECART for approval.

Procedures that are not permitted under the Order in Council include the use of donated eggs in conjunction with donated sperm.

When considering applications for approval, ECART will be subject to the following guidelines.

Guidance on terms used:

In these guidelines, unless the context indicates otherwise, words should be interpreted in accordance with definitions given in the Human Assisted Reproductive Technology Act 2004 and the Human Assisted Reproductive Technology Order 2005.

Guidelines

1. When considering an application for donation of eggs or sperm between certain family members, ECART must be guided by the principles of the Human Assisted Reproductive Technology Act 2004:

Section 4: Principles

All persons exercising powers or performing functions under this Act must be guided by each of the following principles that is relevant to the particular power or function:

- (a) the health and well-being of children born as a result of the performance of an assisted reproductive procedure or an established procedure should be an important consideration in all decisions about that procedure:

- (b) the human health, safety, and dignity of present and future generations should be preserved and promoted:
 - (c) while all persons are affected by assisted reproductive procedures and established procedures, women, more than men, are directly and significantly affected by their application, and the health and well-being of women must be protected in the use of these procedures:
 - (d) no assisted reproductive procedure should be performed on an individual and no human reproductive research should be conducted on an individual unless the individual has made an informed choice and given informed consent:
 - (e) donor offspring should be made aware of their genetic origins and be able to access information about those origins:
 - (f) the needs, values, and beliefs of Māori should be considered and treated with respect:
 - (g) the different ethical, spiritual, and cultural perspectives in society should be considered and treated with respect.
2. When considering an application for donation of eggs or sperm between certain family members:
- (a) ECART must determine that:
 - (i) The recipient or the recipient's partner has a medical condition affecting his or her reproductive ability, or a medical diagnosis of unexplained infertility, that makes egg or sperm donation appropriate.
 - (ii) Each party has received counselling in accordance with the Code of Practice for Assisted Reproductive Technology Units or, when it comes into effect, the current Fertility Services Standard.
 - (b) ECART must take into account all relevant factors, including:
 - (i) Whether the potential impact of the genetic, social, cultural, and intergenerational aspects of the proposed arrangement safeguards the wellbeing of all parties and especially any resulting child.
 - (ii) Whether counselling has:
 - Included implications counselling for all parties.
 - Included joint counselling for all parties.
 - Been culturally appropriate.
 - Provided for whānau/extended family involvement.
 - Provided for the inclusion of any children of the parties.
 - (iii) Whether counselling will be accessible to all parties throughout the treatment process.
 - (iv) Whether the residency of the parties safeguards the wellbeing of all parties and especially any resulting child.
3. ECART must not approve an application for donation where any resulting child would be formed by eggs and sperm from:
- (i) Father and daughter.

- (ii) Mother and son.
- (iii) Brother and sister.
- (iv) Grandfather and granddaughter.
- (v) Grandmother and grandson.