

In confidence

Office of the Associate Minister of Health
Chair, Cabinet Legislation Committee

Government Response to the Report of the Petitions Committee on the Petition of Ann Chapman: Amend the HART Act to allow more flexible timeframes for embryo/gamete storage

Proposal

- 1 This paper seeks approval of the attached government response to the Petitions Committee report on the Petition of Ann Chapman: Amend the HART Act to allow more flexible timeframes for embryo/gamete storage.

Background

- 2 Ann Chapman's petition asked: That the House of Representatives amend section 10 of the Human Assisted Reproductive Technology Act 2004 (the HART Act) to abolish the ten-year storage timeframe for embryos and gametes (eggs and sperm) and allow a more flexible timeframe which recognises individual circumstances.
- 3 The petitioner described the experience of her grandson:
 - 3.1 He was diagnosed with leukaemia as an adolescent, and before starting chemotherapy had sperm collected and stored for fertility preservation.
 - 3.2 10 years later he received a letter from the fertility clinic notifying him that the storage period for his gametes had expired. He had not received the first letter as he had moved house.
 - 3.3 At this point it was too late for a storage extension application to be approved by the Ethics Committee on Assisted Reproductive Technology (ECART). However, the family were able to export the tissue to Australia to be legally stored.
- 4 The petition was presented to the Petitions Committee on 23 July 2024. In October 2025, the Petitions Committee reported back to the Government.
- 5 Under section 10 of the HART Act, storage of reproductive material is restricted to 10 years unless an application for extension is received before the end of the 10-year period. ECART must approve any request for an extension, and routinely does, with only 3 applications out of 606 declined in the last 4 years.

- 6 The legislation provides a 6-month period after the expiry date for clinics to manage the disposal of material, but the material cannot be used during this period. ECART cannot review late applications for extension.
- 7 The Petition highlighted that the storage limits are strict and inflexible, particularly for people who have their reproductive material stored as minors before undergoing medical treatment. The 10-year initial storage period may also be too short, especially considering that many people are choosing to start families later in life.

The Petitions Committee findings

- 8 The Petitions Committee considered the Petition between 29 August 2024 and 23 October 2025. It heard from groups including the Advisory Committee on Assisted Reproductive Technology (ACART), Fertility Associates, the Ministry of Health, the Ministry of Justice, Health New Zealand and The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG).
- 9 The Petitions Committee recommended that the Government review section 10 of the HART Act to ensure that the reproductive rights of people who have stored gametes and embryos for fertility preservation are upheld.
- 10 In addition to the formal recommendations, the committee highlighted its view that:
 - 10.1 ECART should have the discretion to approve late applications to extend the storage of gametes and embryos.
 - 10.2 Extending the initial storage period to 20 years for minors and people at risk of premature infertility should be considered.
- 11 Allowing adults to donate the reproductive material stored as teenagers would give other couples and individuals the opportunity to start a family. Such donations are presently prohibited.

Comment on the Petitions Committee findings and recommendations

- 12 I consider the Government should accept the recommendation to review section 10 of the HART Act. I propose asking the Ministry of Health to review this as part of its work programme.
- 13 I am mindful that the original 10-year storage limit was set in line with legislation from the United Kingdom, based on the state of knowledge about cryopreservation at the time. In 2022, the United Kingdom legislation was updated to enable a maximum 55-year storage limit with 10-year review periods. This change reflects advancements in cryopreservation methods, new data about the developmental capacity of frozen gametes and embryos, and need for more flexible legislation to keep up with changes in how and when families are being formed.

- 14 As part of the review, I propose asking the Ministry of Health to consider how section 10 of the HART Act could be amended to reflect scientific and social developments. This may include an initial storage period of 20 years for material taken from people under 16, extending maximum storage limits for everyone storing reproductive material, and removing the need for ethical approval for storage extensions.
- 15 Any changes to storage limits and rules for extensions of storage will not have any necessary effect on funding. At present, Health New Zealand funds storage up to ten years for eligible people. Storage after that period is at the owner's expense. This is managed by Health New Zealand within its funding and will continue to be.

Timing of the government response

- 16 The government response must be presented to the House by 12 February 2026.

Consultation

- 17 The Ministry of Justice and Department of the Prime Minister and Cabinet were consulted on the paper. Health New Zealand was informed.

Financial implications

- 18 This paper has no financial implications.

Publicity

- 19 The response will be tabled in the House and published on Parliament's website.

Proactive Release

- 20 This paper will be published on the Ministry of Health's website in accordance with the proactive release guidelines.

Recommendations

The Associate Minister of Health recommends that the Cabinet Legislation Committee:

- 1 note that on 24 October 2025 the Petitions Committee presented its report to the House entitled "Final report (Petition of Ann Chapman)";
- 2 note that the select committee recommended that the government review section 10 of the HART Act, which provides for a 10-year limit on the storage of frozen gametes or embryos;
- 3 note the submission of the Associate Minister of Health and in particular her advice that the government should accept the committee's recommendation to review section 10 of the HART Act;

- 4 approve the government response, attached to this submission, to the Report of the Petitions Committee entitled “Final report (Petition of Ann Chapman)”;
- 5 note that the government response must be presented to the House by 12 February 2026;
- 6 invite the Associate Minister of Health to present the government response to the House in accordance with Standing Order 252;
- 7 invite the Associate Minister of Health to write to the petitioner enclosing a copy of the government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon Casey Costello

Associate Minister of Health