

**Government Response to
Report of Petitions Committee
on
Petition of Ann Chapman**

Presented to the House of Representatives

In accordance with Standing Order 252

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Introduction

- 1 The Government has carefully considered the Petitions Committee's (the Committee) report on the Petition of Ann Chapman, which called for amendments to the Human Assisted Reproductive Technology Act 2004 (HART Act) to allow more flexible timeframes for embryo and gamete storage.
- 2 The Government is responding to the report in accordance with Standing Order 252.
- 3 The Committee's report highlights the inflexibility of section 10 of the HART Act, and the significant impact this can have on people who have stored gametes and embryos for fertility preservation. Advances in reproductive technology and an increasing tendency for people to start families later in life underscore the need for more adaptable legislation that supports people's rights to access assisted reproductive technology when they need it.
- 4 The Government supports the intent of the Petition and has asked the Ministry of Health to undertake a review of section 10 of the HART Act.

Background

- 5 The HART Act restricts the storage of reproductive material to a maximum of 10 years. After this period, the material must be destroyed unless an extension has been approved by the Ethics Committee on Assisted Reproductive Technology (ECART).
- 6 ECART can grant multiple extensions to the initial 10-year storage period, with no restriction on the total number of extensions. Written applications are required before the storage period expires.
- 7 The legislation provides for a 6-month period after the expiry date for clinics to manage the disposal of material. During this period, the material cannot be used.
- 8 The 10-year storage limit is strict and inflexible, and ECART cannot review late applications for extension. The limit may also be too short, particularly for people who have their reproductive material stored as minors before undergoing medical treatment. This has led to concerns, such as those of the petitioner, that the HART Act may not uphold the reproductive rights of people who have stored gametes and embryos for fertility preservation.

Recommendations and Government response

- 9 In its report, the Committee recommended that the Government review section 10 of the Human Assisted Reproductive Technology Act 2004 to

ensure that the reproductive rights of people who have stored gametes and embryos for fertility preservation are upheld.

- 10 The Government accepts the Committee's recommendation and will undertake a policy review of section 10 of the HART Act.
- 11 The Committee highlighted that an initial storage period of 20 years should be considered for minors and people at risk of premature infertility, and that the Government should consider whether ECART should have discretion to approve late applications. The Government considers that these changes would improve flexibility for people storing gametes for fertility preservation.
- 12 The Government also notes that the 10-year storage period specified in the HART Act was set in line with the United Kingdom's Human Fertilisation and Embryology Act 1990. This was changed in 2022 to allow gametes and embryos to be stored for up to 55 years with 10-year review periods.
- 13 The United Kingdom's regulations require fertility clinics to gain informed consent from patients to extend storage every 10 years, rather than requiring ethical approval. The Government considers that ethical issues are more likely to arise from the use of stored embryos and gametes than from the storage itself, and that removing the requirement for ECART to approve storage extensions should be considered.
- 14 The Petitions Committee also highlighted that adults should be able to donate the reproductive material they stored as teenagers, which is currently prohibited under section 12 of the HART Act. This issue is already being considered by the Health Committee as part of the Improving Arrangements for Surrogacy Bill.
- 15 The Committee encouraged Health New Zealand to investigate the costs associated with extending the storage period for people experiencing premature infertility. The HART Act and public funding are not linked, and Health New Zealand is responsible for deciding who receives public funding. The Government is not making any financial commitments by agreeing to review section 10 of the HART Act.

Conclusion

- 16 The Government supports the recommendations made by the Committee and has taken action to review section 10 of the HART Act to ensure people's reproductive rights are upheld.
- 17 The Government would like to thank the petitioner and the Committee for highlighting this important issue.