# Background

* The Human Assisted Reproductive Technology Act 2004 (HART Act) sets out various conditions for the storage of gametes (eggs and sperm, including cryopreserved ovarian and testicular tissue) and embryos.
* The HART Act prohibits the storage of gametes and embryos beyond 10 years or beyond an approved extended storage period, unless ECART has approved extended storage.
* The original 10-year storage period is counted from 22 November 2004, or later, depending on the date of first storage.
* The original 10-year storage limit or an approved extended storage period for embryos includes any storage time for the eggs and sperm used to create the embryos.
* In calculating the original 10-year storage limit or an approved extended storage period, storage time outside New Zealand is to be counted.
* Applications to ECART to extend the storage period of gametes and embryos beyond the original 10-year storage limit or beyond an approved extended storage period:
* **must be made, and any approval given, before the end of the original 10-year storage limit or before the end of an approved extended storage period**
* must be in writing
* must be signed as true and correct.
* ECART may approve more than one extension to the original 10-year storage limit, and may give an approval subject to any conditions it thinks fit to impose. **If an extension is not sought by the expiry date then your stored gametes and or embryos will be disposed of.**

## Important:

Please note that ECART cannot review applications for extended storage after the 10-year storage date has expired. ECART strongly recommends that you submit your application for extended storage **at least six months before** the expiry date. If you are unsure of the expiry date, you can contact your fertility clinic for this information.

Please note if you had a PESA or TESA where the surgical retrieval was followed by storage, with embryos created some time later, then the storage time for the sperm **must** be counted as part of the 10 years.

ECART meetings are held every two months. You can find details about meeting dates and due dates for applications on the ECART website: [www.ecart.govt.nz](http://www.ecart.govt.nz) or by contacting the ECART secretariat: [ecart@moh.govt.nz](mailto:ecart@moh.govt.nz)

Please send your completed application and a copy of your NZ driver licence, passport, birth certificate or nationality card to the ECART secretariat either by courier to:

Reception – Ground Floor

133 Molesworth Street

Thorndon

Wellington 6011

Or, by post to:

PO Box 5013

Wellington 6011

# Making an application

## The guidelines say:

An application to extend the storage period of gametes or embryos beyond the original 10-year storage limit or beyond an approved extended storage period:

a) may be made by any person, for example consumers (including donors), clinics, or others with an interest in an extension, where extending storage is for the purposes of fertility treatment or fertility preservation

b) may be made by a researcher where extending storage is for the purposes of human reproductive research.

**Note:** Where an application is made by an individual, verification from a fertility services provider will be needed about some of the information provided in this application.

|  |  |  |
| --- | --- | --- |
| 1. | Name of person applying |  |
|  | Date of birth |  |
|  | If couple applying, name of partner at time of storage |  |
|  | Date of birth of second applicant |  |
|  | Postal address |  |
|  | Day phone contact |  |
|  | Email address |  |

|  |  |
| --- | --- |
| 2. | Please specify the clinic where the gametes or embryos are stored now |
|  |  |

|  |  |
| --- | --- |
| 3. | What are you applying to extend the storage of? |
|  | Sperm – please go to question S1 (page 3)  Eggs – please go to question E1 (page 4)  Embryos – please go to question EM1 (page 5)  Cryopreserved testicular tissue (sperm taken by biopsy) – please go to question S1 (page 3)  Cryopreserved ovarian tissue – please go to question E1 (page 4) |

# Storage history

## The guidelines say:

When considering an application to extend the storage period of gametes or embryos beyond the original 10-year storage limit or beyond an approved extended storage period, ECART must determine the following matters aboutthe storage history of the gametes or embryos*:*

a) the length of time that gametes have already been stored, specifically:

* any time stored before 22 November 2004
* any time stored both in New Zealand and overseas

b) the length of time that embryos have already been stored, specifically:

* any time stored before 22 November 2004
* time stored both in New Zealand and overseas, including any time during which gametes used to create embryos have already been stored

c) the expiry date of a current approved storage period.

**Important: Please do not give estimates of storage dates. ECART requires that the application includes evidence of storage dates from the clinic storing the gametes or embryos.**

## Extension to Storage of Sperm / Testicular Tissue

|  |  |
| --- | --- |
| S1. | When was the sperm or testicular tissue first stored (whether or not the gametes were stored before 22 November 2004 or in New Zealand or Overseas)?  Sperm  Testicular Tissue |
|  | Day: Month: Year: |
| If you don’t know, please contact the clinic that stored the sperm or testicular tissue. |

|  |  |
| --- | --- |
| S2. | When does the storage period expire?  To work out the expiry date, add ten years to the date of first storage. If this date is before 22/11/2004 then state your expiry date as 22/11/2014. |
|  | Day: Month: Year: |

|  |  |
| --- | --- |
| S3. | Who is the provider of the sperm or testicular tissue? |
|  | Myself  My partner  A donor:   |  | | --- | | Known to me  Unknown to me |   Other, please specify\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | If a donor is the provider of the sperm or testicular tissue, please go to question 4 |

## Extension to Storage of Eggs / Ovarian Tissue

|  |  |
| --- | --- |
| E1. | When were the eggs or ovarian tissue first stored (whether or not the gametes were stored before 22 November 2004 or in New Zealand or Overseas)?  Eggs  Ovarian Tissue |
|  | Day: Month: Year: |
| If you don’t know please contact the clinic that stored the eggs or ovarian tissue. |

|  |  |
| --- | --- |
| E2. | When does the storage period expire?  To work out the expiry date, add ten years to the date of first storage. If this date is before 22/11/2004 then state your expiry date as 22/11/2014. |
|  | Day: Month: Year: |

|  |  |
| --- | --- |
| E3. | Who is the provider of the eggs or ovarian tissue? |
|  | Myself  My partner  A donor:   |  | | --- | | Known to me  Unknown to me |   Other, please specify\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | If a donor provided the eggs or ovarian tissue, please go to question 4 |

**Extension to Storage of Embryos**

### Information about the embryos, including embryos that have been donated

|  |  |
| --- | --- |
| EM1 | Who provided the sperm? Who provided the eggs? |
|  | Myself  Myself  My male partner  My female partner  A sperm donor  An egg donor  Other, please specify\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  If a donor/s was involved, were they:   |  | | --- | | Known to me  Unknown to me | |

|  |  |  |
| --- | --- | --- |
| EM2 | How many embryos are stored? |  |

|  |  |
| --- | --- |
| EM3 | When were the embryos first stored (whether or not the gametes were stored before 22 November 2004)? |
|  | Day: Month: Year: |

|  |  |
| --- | --- |
| EM4 | When does the storage period expire?  To work out the expiry date, add ten years to the date of first storage. If this date is  before 22/11/2004 then state your expiry date as 22/11/2014.  Please note the storage period for embryos starts from the date the sperm or the eggs were first frozen. For example: if you had a surgical sperm retrieval (PESA or TESA) followed by storage, or used frozen eggs or sperm (or donor eggs or sperm), then this storage time **must** be counted as part of the embryos’ 10 year storage period. |
|  | Day: Month: Year: |
| EM5 | Have the embryos been stored elsewhere at any time? |
|  | Yes  No |
|  | If yes, which clinic and for what period?  Clinic:  From: Day: Month: Year:  To: Day: Month: Year: |

### Information about the eggs used to create the embryos

|  |  |
| --- | --- |
| EM6 | Were the eggs stored before the embryos were created? |
|  | Yes  No |
|  | If yes, which clinic and for what period?  Clinic:  From: Day: Month: Year:  To: Day: Month: Year: |

### Information about the sperm used to create the embryos

|  |  |
| --- | --- |
| EM7 | Was the sperm stored before the embryos were created? |
|  | Yes  No |
|  | If yes, which clinic and for what period?  Clinic:  From: Day: Month: Year:  To: Day: Month: Year: |

## Informed consent

The guidelines say:

When considering an application to extend the storage period of gametes or embryos beyond the initial 10-year storage limit or beyond an approved extended storage period, ECART must take the following matters into account:

1. whether all gamete providers (including donors) have given informed consent, including where an embryo has been created from the gametes
2. where an application does not include a gamete providers’ informed consent to extending storage:
3. whether there is evidence that all reasonable efforts have been made to contact the gamete provider, and
4. whether the consequences would be unduly harsh for interested parties if ECART declined the application on the grounds that informed consent by all gamete providers was not available,
5. where a gamete provider has died after the storage of his or her gametes or of embryos created from the gametes,
6. whether there is a written record or other evidence that he or she gave informed consent to extending the storage period of the gametes or embryos created from his or her gametes,
7. whether a fresh consent is needed in cases where a lengthy period has elapsed since the consent was given.

### Eggs, Sperm and Embryo Consent

|  |  |
| --- | --- |
| 4. | Have the gamete providers and/or donor/s given consent to extending storage for the reasons set out in this application and for the period of extended storage sought in this application? |
|  | Yes  No |
|  | If no, please answer question 5 below. |

**Where an application does not include the consent of a donor**

|  |  |
| --- | --- |
| 5. | Please explain why the application does not include the consent of a donor. |
|  | The donor refused to give consent.  The donor/s could not be located. If so, please describe: |
|  | * What efforts were made to locate the donor/s?      * What was the reason the donor refused to give consent?      * Why is it important to extend without the donors consent? |
|  | * What would be the impact on the applicant or you (eg, a person hoping to use the gametes or embryos) if ECART declined this application on the grounds that informed consent by the donor/s was not available? |
|  | The donor/s died after storage of his or her eggs / sperm / embryos. If so, please describe: |
|  |
|  | * What evidence is there that the donor/s gave informed consent to extend storage? |
|  | Other. If so, please describe: |

**Period of extended storage**

### The guidelines say:

When considering an application to extend the storage period of gametes or embryos beyond the original 10-year storage limit or beyond an approved extended storage period, ECART must take into account:

a) any previous periods of extended storage and the total time elapsed since the gametes or embryos were stored

b) any intergenerational effects on children where extending storage is for the purposes of fertility treatment or fertility preservation.

Examples are:

* the potential for siblings to be born one or more generations apart,
* the possibility that genetic parents may no longer be alive following the birth of a child born from the stored gametes or embryos,
* the potential loss of access to family history,
* the potential loss of access to whakapapa.

## Purposes

### The guidelines say:

When considering an application to extend the storage period of gametes or embryos beyond the original 10-year limit or beyond an approved extended storage period, ECART must take into account whether extending the storage period is consistent with one of the purposes of the HART Act which is (section 3(a)) ‘to secure the benefits of assisted reproductive procedures, established procedures, and human reproductive research for individuals and society in general by taking appropriate measures for the protection and promotion of the health, safety, dignity, and rights of all individuals, but particularly those of women and children, in the use of these procedures and research’.

Examples are:

* where gametes or embryos were originally stored because of family medical history (eg, a family medical history of early menopause),
* where gametes or embryos were originally stored before medical treatment that may impair an individual’s fertility,
* where gametes or embryos have been stored to provide a future opportunity to have a child,
* human reproductive research with gametes or non-viable embryos.

|  |  |
| --- | --- |
| 6. | Please describe fully why you want to extend the storage period of the gametes or embryos.  Please make clear whether you have any children already and how old they are.  **Please note** the reason for wanting to extend storage **cannot** be that you wish to store viable gametes and embryos for research in case the law changes. |
|  |  |
| 7. | How long do you want to extend the storage period? Provide either a number of months/years or an end date. |
|  | End Date: Day Month: Years: |
|  | Number of years: |

The information provided by me on this application is true and correct.

By signing this form:

* I agree that any decision made by ECART in relation to this application must be made available to a fertility services provider or laboratory that is storing or has been asked to store the gametes or embryos that are the subject of this application.
* I note that if ECART approves this application, such approval does not require a fertility services provider or laboratory to store the gametes or embryos. Services provided by fertility services providers (including storage of gametes and embryos) are to be agreed between a fertility services provider and relevant parties.
* I / we consent to ECART contacting the clinic or any other provider or person to check the accuracy of any information on this form.
* I, [ ], of *insert address* [ ] sincerely declare that the information I have provided in this application form is true and correct.

Declared at [ ] this [ ] day of [ ] 20[ ].

|  |  |
| --- | --- |
| Applicant’s signature |  |
| Date |  |

* Partner consent to the application for extended storage extended storage of an embryo/s.

|  |  |
| --- | --- |
| Second Applicant’s signature |  |
| Date |  |
| If consent is not available from Second Applicant please provide a reason below: | |
|  | |

The following is attached:

Evidence from a fertility services provider of the storage period(s) given in this application i.e. a copy of the clinic letter advising you of the need to apply for extension.

Evidence of consent by donor(s)

A copy of my New Zealand driver licence, passport, birth certificate or nationality card is attached.