

End of Life Choice Act

Your Key Questions Answered



What am I voting on at the referendum?

At the General Election on 19 September, you will have the opportunity to vote in a referendum on the End of Life Choice Act. You will be asked the following question:

Do you support the End of Life Choice Act 2019 coming into force?

You can vote YES or NO. If more than 50% of voters vote YES then the End of Life Choice Act becomes law. There will be a 12 month period before the Act is implemented.

What does the End of Life Choice Act do?

The End of Life Choice Act 2019 is a piece of legislation that will make it legal for terminally ill, mentally competent adults in New Zealand, who have six months or less left to live, to request medication to end their life. This is known as 'assisted dying'.

What is the current law and why do people want to change it?

Under the current law, it is illegal for any doctor to give you medication to hasten your death. If you are dying from a terminal illness, the most doctors and nurses can do is provide pain and symptom relief and make you as comfortable as possible. This is called palliative care.

Palliative care in New Zealand is excellent, but sadly there are some patients for whom no amount of palliative care can relieve their suffering. It is these New Zealanders, dying of terminal illness, who want to change the law so they have the option of requesting an assisted death if their suffering becomes unbearable.

Some terminally ill people resort to taking their own lives because they can no longer handle their physical and emotional suffering. To avoid implicating their loved ones, they often do this alone behind closed doors. The compassionate thing to do is to pass a law so they can die with their loved ones around them. It is much safer to have a law than the status quo.

Who can ask for medication to end their life under the Act?

The Act has strict safeguards to make sure that only terminally ill New Zealanders can ask for medication to end their life. To be eligible, you must meet ALL of the criteria:

- be aged 18 years or over
- be a citizen or permanent resident of New Zealand
- suffer from a terminal illness that is likely to end your life within six months
- have significant and ongoing decline in physical capability
- experience unbearable suffering that cannot be eased
- be able to make an informed decision about assisted dying

What's not allowed?

The Act doesn't allow you to request medication to end your life if your only reason is you:

- are suffering from a mental disorder or mental illness
- have a disability of any kind
- are of advanced age

If you are not terminally ill, you cannot request medication to end your life.

How will it work?

A person must first approach their doctor to ask for life-ending medication. Doctors cannot bring up the topic of assisted dying with patients.

The doctor must complete checks to make sure the person is making the request of their own free will and that they have a terminal illness that is likely to end their life within six months. The first doctor must also get a second opinion from an independent doctor and, if either have any doubt about the person's ability to make an informed decision, a third opinion from a psychiatrist is required.

If the person is eligible, they will discuss the progress of their terminal illness with their doctor and choose when and where they want to take the life-ending medication (including the option of dying at home). The person can also choose how they take the medication; they can self-administer or have a doctor or nurse help them. The person can change their mind at any time.

When the chosen time arrives for taking the medication, the person must be asked again if they consent or wish to stop or delay the process. If the person decides to go ahead, the doctor or nurse gives the medication by the chosen method and stays with the person until they have died.

Can you change your mind?

Yes, at any point you can change your mind and stop the process entirely. You can also choose to delay taking the life-ending medication for up to six months.

What checks will a doctor make to keep patients safe?

A doctor must complete ALL the following checks to ensure patients are acting of their own free will:

1. Give the person information about the likely course of their terminal illness, as well as the irreversible nature of assisted dying
2. Talk regularly with the person about their wish for assisted dying
3. Make sure the person understands all their other options for end-of-life care, including palliative care
4. Make sure the person knows they can change their mind at any time
5. Encourage the person to discuss their wish for assisted dying with loved ones and a counsellor (although the person can keep their request totally confidential if they wish)
6. Talk with other health practitioners in regular contact with the person
7. Talk with members of the person's family/whānau, if the person gives their permission

The doctor must record each stage of the process on an approved form, signed by the person (or someone else if they are unable to sign themselves).

What would happen if a doctor or nurse thought someone was being pressured?

If a doctor or nurse suspects a person is being pressured to make decisions, they must stop the process immediately and report their concerns to the Registrar for assisted dying.

Will anyone be overseeing the process?

There are three bodies within the health service who will oversee the End of Life Choice Act:

1. Support and Consultation for End of Life in New Zealand Group
2. The End-of-Life Review Committee
3. The Registrar for assisted dying

You can read about the roles of these three bodies on the government's website. The Act will be reviewed within three years, with reviews every five years after that.

Is assisted dying the same as suicide?

No, assisted dying is not the same as suicide. People who are terminally ill do not want to die, they are already coming to the end of their life; they simply want to have a say how and when they die

Why are we having a referendum on this issue?

Many people have tried to change the law on this topic. In 2015, Lecretia Seales went to New Zealand's highest court asking for dying people to be given choice and control at the end of life. She was dying of terminal brain cancer. The judge agreed that some terminally ill patients suffer unbearably despite the best palliative care, but said it was for Parliament to legislate on the issue.

Last year, New Zealand Parliament did just that. David Seymour's End of Life Choice Bill was passed 69-51. New Zealand First's nine MPs agreed to vote for the Bill on the condition that a majority of the public approve the Act at a referendum. You will have the opportunity to vote on the Act at the 2020 general election.

What do other New Zealanders think?

Polls show that for the last twenty years the majority of Kiwis support assisted dying for the terminally ill. In May 2020, a poll of 1,000 New Zealanders who are likely to vote in the general election found that 59% say they intend to vote yes and 25% intend to vote no. 17% have not yet made up their mind.

Can palliative care and assisted dying work together?

Yes, excellent palliative care remains an essential priority for New Zealand healthcare. Assisted dying is an additional option for people with terminal illness once palliative care is no longer effective. In fact, palliative care tends to flourish alongside assisted dying. Research shows that assisted dying laws contribute to more open conversations and careful evaluation of end-of-life options.

Can I say I want an assisted death in my advance directive?

No, an advance directive cannot be used to request assisted dying. An advance directive is a statement signed by a person setting out preferences for their care and treatment, in the event they lose the capacity to make or communicate decisions in the future. Assisted dying must be requested by someone with full mental competence. Welfare guardians do not have any power to make decisions to take actions under the Act.

Will my life insurance still be valid?

Yes, the Act states that insurance contracts will be treated as if the person died from their terminal illness.

Do health professionals have to take part?

No, if a health professional has a 'conscientious objection' they do not have to help a person access assisted dying. However, if a person has requested assisted dying they have a right to ask for the name and contact details of an alternative doctor from a group overseen by the Ministry of Health.

Do other countries have laws like this?

Yes. Over 150 million people around the world live in a place where some form of assisted dying is legal.

The wording of the End of Life Choice Act is specific to New Zealand, but assisted dying is legal in many other countries including parts of Australia, America, Canada and Northern Europe. The state of Oregon in America was one of the first places to legalise assisted dying in 1997. Since then, there have been no proven cases of abuse of the law and no widening of its initial limited scope. Seven other states have now implemented the same assisted dying law, including Washington and California. Western Australia and Victoria are the most recent places to pass laws on end-of-life choice.